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the ALTERNATIVE

The Political Thought of W.C. Fields

...see page 23

Quotas: Democratic Tribalism Comes To America

articles by Howe, Seabury, Swan, Tyrrell, and Will

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the ALTERNATIVE

to bare the witness and the truth

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Published remarkably without regard to race, color, creed, or (most redundantly of all) national origin — and yes, sex, even sex.

Editor in Chief: R. Emmett Tyrrell, Jr.
Publisher: Baron Von Kannon of the Saturday Evening Club
Circulation and Promotion: Ronald E. Burr
Managing Editor: Neil Howe
Assistant Managing Editor: Joyce Goldberg
Senior Editors: Terry Krieger ☐ William Kristol Rev. George Nathan
Literary Editor: Roger Rosenblatt
Associates: David Brudnoy ☐ Jameson G. Campaigne, Jr. Doug Cooper ☐ John R. Coyne, Jr. ☐ James Grant Peter Hughes ☐ Joseph A. Morris ☐ Roger D. Tyrrell
Contributors: John Avcy ☐ Paul Bernstein Frank W. Blatchford III ☐ Barry Burr Ron Docksai ☐ J. P. Duggan ☐ David Friedman Jerry Gerde ☐ John Kelley ☐ W. Wesley MacDonald John Moscow ☐ Jeffrey M. Nelson ☐ Gary North Terry O'Rourke ☐ G. W. Plunkitt ☐ C. H. Simonds C. Bascom Slemp ☐ Mark Souder ☐ John Sundt David Tudor ☐ Timothy Wheeler
Alien Contributors: Eric Brodin Carl Miller ☐ Judy Tyrrell
Art Director: Elliott Banfield
Art: Gustave Doré ☐ Eric Lohnaas

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The Continuing Crisis

● As America enters upon the second four years of the Nixonian Era, what Irving Howe has recognized as a new "social meanness" seems to be stealing across the land, and America's community of conscience is in a pother.

●Out in the Heartland an Indiana sage, Rep. Floyd B. Coleman, is demanding that Congress rewrite the Pledge of Allegiance so that "responsibilities" is interpolated just ahead of "liberty and justice for all," and in an election that may be but a prelude to a grimmer future, Establishment forces are lining up behind a law and order zealot who is running for sheriff of Eddyville, Kentucky. The candidate is none other than S. Morgan Martin, the ninety-seven-year-old veteran of the Spanish American War, who terrified dissenters back in 1906 when he served as town marshall.

●On January 6 a joint session of Congress made it official — Mr. Nixon mauled Pious George 520 electoral votes to 17. On January 17 Dr. Daniel Ellsberg and Mr. Anthony Russo went on trial on 15 counts of espionage, theft, and conspiracy. At his inaugural three days later, Mr. Nixon delivered a mean-spirited address calling for "civility and decency" in public debate and greater self-reliance "as we stand on the threshold of a new era of peace." Over at the Lincoln Monument only sixty thousand persons protested. And on January 29 William (Fish Bait) Miller confirmed decent America's gravest fears when he carried into Congress Mr. Nixon's niggardly budget for fiscal 1974, containing cuts in over one hundred social programs. Reactionary students at the University of Michigan defeated a proposal to establish a "student dope corporation," which would have used $2,500 in student fees to buy and distribute marijuana to students. The Mayor of Pauketuck, New Jersey was arrested for hanging 234 cats in his greenhouse. He had been embezzling them from the Humane Society. Officials of Madison Square Garden were put under unusual political pressure to perform the national anthem. And a solidly based rumor went through the New Politics community to the effect that the Democratic National Chairman, Robert Strauss, plans to have the 1976 Democratic Convention in Muncie, Indiana. So as the Community of Conscience sees it, America is entering a new ice age.

● It is felt even in their ranks where as many as half of those who voted for Senator McGovern actually seem to believe that Mr. Nixon's Secretary of State signed an agreement ending the Vietnam war on January 27. But Americans were not the only persons confused by Washington's subterfuge, the Nobel Prize Prize Committee has accepted Mr. Nixon's name as a candidate for the Peace Prize. On January 26 the heir of the Oleo Margarine fortune, Mr. Michael J. Brody, who appeared to be the Lindbergh of his age when he appeared on the Ed Sullivan

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Editorial

Toward Democratic Tribalism

I suspect that there prowls through every society substantial congeries of public-spirited persons whose animating urge is to lower everyone to their own level of misery. Possibly this urge issues from a soured Utopianism, but whatever its origin, I find it a spot more logical and realistic than Utopianism undistilled. It acknowledges the glum fact that the commonweal is never likely to be elevated to that state of ease known by the Rockefellers and the Kennedys, so it might as well be lowered to that consoling anguish known by reformers and do-gooders. This curious urge proceeds on the understanding that if all men cannot be equally happy, they had best be equally miserable. Though this position is never advanced quite so shamelessly, it is advanced continually, and today its adherents wield awesome power throughout our nation.

Now these malign yearnings for one's neighbor have been with us since the very first sourpuss disembarked from the Mayflower. Surely such militant ill will was the primary afflatus for Cotton Mather and all his grumpy associates. The old Federalists were full of a communicable misery, and the captains of industry socked away fortunes while espousing a blowzy excuse for philosophy which regarded wretchedness as a positive good — though it must be said on their behalf that at least they, unlike today's advocates of misery, did not assume general anguish to be society's goal. In the 1920s all the wowsers were sustained and inspired by an idealistic vision of homogeneous misery. Prohibitionists, Ku Kluxers, and world savers were all dedicated to the proposition that the saucy fellow who lives contentedly and cheerfully is a hazard to his community. Naturally their descendants live on. And today, with the whole nation aching for an as yet inexpressible ambrosia, the forces of organized malevolence are again swarming in earnest.

Even now they are busying themselves in every cranny of the Republic. Always intent on extirpating the Constitution's guarantees of freedom and equality before the law, they are forever inflaming the populace against the civilized minority. In days of yore they encouraged the suspicion that anyone thriving in liberty and minding his own business was *ipso facto* subversive, a Bolshevik, and possibly a devotee of foreign wine and poetry. Today they spread the rumor that freemen possessing critical minds automatically suffer from demoniacal infestation. So powerful is this tactic in whipping up suspicions against the civilized minority, that every now and again this element gets the upper hand. For awhile their fever is upon the Republic, and the Bill of Rights is expurgated.

Yet fortunately, we Americans have been well-served by a resilient array of salutary liberal notions which continually breathe vitality into our society. And just as our constitutional liberty is about to disappear forever and anon beneath a pile of proscriptive legislation, these principles whisper into the ears of every bluenose, "You are a two-faced scoundrel." The bluenoses begin flailing at everything that moves and the civilized few are triumphantly inspired to drive the scoundrels out of office and back into their cages.

Key amongst these enlightened principles is the principle of the primacy of the individual. From it we derive the idea that men should be equal before the law and free to choose their own courses in the world so long as they do not molest their fellows. There should be equality of opportunity, for as the Founders laid it out, the infant Republic was to be a society in which status was achieved through personal merit judged through fair competition, uninfluenced — so much as is possible — by birth, patronage, and other extraneous criteria. To Thomas Jefferson, America would contrast starkly with the oppressive societies of Europe which were characterized by an "artificial aristocracy founded on wealth and birth without either virtue or talents." As Jefferson envisioned it, America would have a "natural aristocracy" composed of individuals respected for their assiduity, competence, and rectitude. Through the years this principle of individual merit has held up rather well. It is one of the reasons our society is more productive and prosperous than any other on earth. It is also one of the reasons America remains the world's most desired residence in spite of the increasingly apparent fact that our streets crawl with madmen. Recently the principle of individual merit animated such good liberal causes as the civil rights movement and trade unionism. It has encouraged the pursuit of excellence, tolerance for diversity, and a general broadening of respect for all individuals. But now along comes a cunning band of cranks whose insight it is that because the American system has not ushered in eudaemonia, it might as well be sacked.

What they are demanding is the most fundamental change in American history, and to implement this change they have confected a bizarre arrangement of abstractions which will govern our society in the future. What it all amounts to is that they intend to take the good principle of equality, stretch it beyond recognition or meaning, and wrap it around the good principle of freedom until they have strangled the latter good principle with the former. The result will be a society without freedom, without equality, and without liberalism. It will be an ideal society, a society of homogeneous misery.

The way this new American Dream will be realized is by cashing in individual merit for quotas, an advanced social policy that has been felicitously labeled "the new racialism." According to the ideal of the quota, persons cannot enter a craft, a profession, a school, or any other social grouping in numbers exceeding their ethnic, biological, or racial proportion in society as a whole. That is to say that justice is not served until every social grouping reflects the same "minority" proportions as the aggregate society. Hence, blacks are limited to exactly 11 percent of any profession or craft or social grouping, and so it will go with every other minority.

Now some demented liberals and progressives view this as a stupendous breakthrough in racial relations, and busybodies are licking their lips at their new opportunities. And to the frayed remnants of the Klan it must appear as a divine windfall. Quotas deny the eminence of the individual. The quota system is a spike in the heart of liberalism. What quotas portend for democracy is tellingly suggested by the fact that the federal government has already been hiring according to a quota policy since 1965. Now the government is forcing those sanctuaries of academic freedom, the universities, to hire according to quotas and it is beginning to force industry to follow the same coercive policy — all without any public debate whatsoever. Until recent months people simply have not known, and their government has not told them, that the American democratic ideal is being clandestinely rescinded by a pack of bureaucrats abetted by the forces of equalized misery. Silently and with enormous gall the marplots have brought a kind of democratic tribalism to America.

Quotas strip the individual of his importance and throw him like a poor fish into a pile. The size of the pile itself is all that matters. Quotas also dissolve the ideal of excellence or personal achievement. The morale of a society monitored by quotas must be something like the morale of a Victorian sweat shop. Individual aspiration is a daydream. One can train a lifetime to become, say, a professor of chemistry, but if upon graduation one's quota is filled, well so much for that life's ambition. Equality of opportunity will end (indeed in the universities, in government, and in those industries subject to government, it already has ended), and one's position in society will depend on group membership. What this means is that social groupings will be set against one another. Now I cannot see how this can do anything but conduce to polarization, intolerance, and the disintegration of community. Ultimately the largest group will triumph over all other groups. And what sort of progress will this be? What is more, all of those old liberal principles will not even be around to trouble our consciences. Democracy will be obsolete.

When thinking about quotas it is crucial to remember that they are not administered by the elected representatives of the people. They are administered by creations like the Department of Health, Education, and Welfare. They are a bureaucratic frankenstein, responsive only to the mysterious laws which govern those idiotic conglomerates. So it comes as no surprise that quotas bring with them subtle impossibilities. For one, the designation of a minority is purely arbitrary. There are just too many minorities in our immense nation to receive equal attention. Further, as every

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sociologist knows, a given individual has many roles and it will be enormously difficult to assign him a single identity or quota. For instance, is a twenty-year-old white female to be designated a woman, a youth, or a white? Two of the above, or all three? And how are we to compute her ethnic extraction? And are quotas to be based on national proportions or local proportions? Will Alabama only have to give blacks an 11 percent quota or a quota reflecting the proportion of blacks actually living in Alabama?

Of course, the advocates of quotas assure us that all of these questions will be worked out to everyone's satisfaction. But our society has been operating on a system of eminently logical principles for almost two hundred years, and it has yet to satisfy a timeless element in our society. So what makes the perpetually dissatisfied so confident that a new and idiotic system will be a brief prelude to bliss? One answer bubbles to the surface. They do not! They do not expect all of us to be satisfied by their imbecilic confection. Indeed they do not expect any of us to be content. Their ultimate hope and driving dream is that we shall all of us be equally, simultaneously, and enduringly, miserable.

Consider two powerful supporters of quotas: the militant woman and the militant black. We shall take those afflicted with the women's fever first, for in our society ladies always come first. To begin with they live in the freest and wealthiest society on earth. America is the home of the electric toothbrush and has the highest per capita consumption of aerosol spray deodorant in the world. How could a nation offer more? And the ladies have it especially sweet. America has not missed celebrating a Mother's Day since its inception in 1914. Every race track and *sportspalast* has a ladies' day and no reciprocity is offered. There are even hospitable saloons where women can guzzle at a special low price, extended only to them. Not even homosexuals are tendered the same privileges.

Further, the Great Republic has listened sympathetically to those with the women's fever, and it has acted. Our entire legal system is groaning under mountains of litigation, yet we are about to pass into law the so-called Equal Rights Amendment, which promises to sink the court system irretrievably. Further we are instituting quotas and thereby allowing ladies the privilege of becoming butchers, stevedores, bootblacks, and Supreme Court Justices. Modern America has deemphasized beauty contests and encouraged a fashion in dress that accents ugliness. And as if this were not enough, America now offers still another enticement to its angry young women. Its cities now boast the highest rate of rape in the western world! What is more, the humanitarians of the high court are now allowing the ladies the opportunity to put

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Roger Rosenblatt

The Great American Column

Nostalgia as One of the Fine Arts

One sure sign that a cultural idea has become a national craze is when people begin to make money off of it. We knew that "right on" had come into its own when the Papermate Pen Co. based an advertising campaign around "write on, brother, write on." We saw the return to nature impulse take hold when Coke became the real thing, and using Ivory Soap was "getting back to basics." We knew that modern psychology had entrenched itself when Tijuana Smalls were billed as cigars without identity crises, and Kent got it all together. So, we also know that nostalgia is here to stay, because record companies, dress designers, publishers, and movie houses are raking in the dollars like they're going out of style.

If dollars do go out of style, they will become objects of nostalgia themselves. The central qualification for nostalgia is that it be directed toward something no longer with us, something remote and irrecoverable. The Greeks, probably thinking of Ulysses, equated the feeling with a longing to return home (nostos-return home; algos-pain), implicitly connecting nostalgia with nostology, the study of aging, under the assumption that nostalgia should be the practice of the old. In our time, that isn't so. Nostalgia seems to be most heatedly felt by people who are too young to remember anything. College students reminisce about the Big Band era. Teenagers dream on the fifties.

What has happened, evidently, is that people have begun to sentimentalize experience at such a rapid rate that the sentimentalization has become at least as interesting and memorable as the experiences themselves. One does not need to have danced the Big Apple to yearn for its revival; the yearning is enough. Similarly one doesn't have to feel nostalgic for things too long past. The Kennedy years are sentimentalized in great doses these days, even (especially) in the hypercritical books, and and Tom Wolfe sentimentalizes the new journalism every month by recalling the grand old days when he and Pete Hamil swaggered in newsprint and changed the universe. In fact, nostalgia has invaded everything to a fascinating extent. No longer the name for some vague, internal sensation, it has become a way of looking at the world.

Precisely what kind of a way is hard to tell. The following ad for something called the Nostalgia Book Club doesn't define nostalgia, but it does put forth some elements: "Here's one club that smiles through the gloom. The Nostalgia Book Club helps you bring back your happy yesterdays. In words and music and pictures galore, you enjoy again the fun side of the 1920-1955 days. Those great movies. The long, cozy nights when radio was king. The big bands... singers who really sang...tunes you could whistle. Early TV. Fads and follies. Tough guys and their molls. Nickel ice cream cones with chocolate sprinkles." The catalogue mixes memory and desire, like Eliot's April. Its simple aim is to trigger our private memories and crystallize our recollection of a time of great feeling, one from which we are now removed. Yet this is also the aim of much of art. If nostalgia accomplishes its purpose, if we are genuinely moved to the recreation of intense feeling by its words and music and pictures galore, if the theme from "Fibber McGee and Molly" or a pin-up of Betty Grable brings as round a tear to our eye as Brahms or the painting of a green field, is nostalgia art?

We know that nostalgia is not a literary technique, but it is nevertheless very close to one. Stream of consciousness was not a literary technique when William James conceived of it, but it became one (and known) in the hands of writers of fiction. When Joyce has Bloom meander about Dublin, he puts the following list into his head: "Pineapple rock, lemon platt, butter scotch. A sugarsticky girl shoveling scoopfuls of creams for a christian brother." Is there a difference between this passage and "Early TV Fads and follies. Tough guys and their molls. Nickel ice cream cones and chocolate sprinkles"? There is the contextual difference — though those "cozy nights" of the ad are within the same fantasy as the "sugarsticky girl" — but if the difference is only one of contest, then nostalgia might be considered the stream of consciousness of the general, and art of the specific.

Take Proust, to pursue the point: "When from a long-distant past nothing subsists, after the people are dead, after the things are broken and scattered. Still, alone, more fragile but with more vitality, more unsubstantial, more persistent, more faithful, the smell and

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the ALTERNATIVE March, 1973

Henry Regnery

Germany Between Liberalism and Communism

In 1945, shortly after the war in Europe had finally come to an end, a book appeared with the provocative title *The German Talks Back*. It received a few outraged reviews — the reviewer in *The New York Herald-Tribune*, for example, complained, "To whatever degree Hauser is representative of the Germans, more particularly the German intellectuals, they present a horrible problem, which death alone will resolve." But it attracted nothing like the serious attention it deserved. The author, Heinrich Hauser, had come to the United States as an anti-Nazi German in 1938; he had grown up in Weimar, came from what used to be called a "good" family — Admiral von Tirpitz was an uncle — and had abandoned the profession for which he had been trained, medicine, to become a writer. He more than once made the trip to Australia on a sailing ship as a deckhand, had travelled with a circus, written several successful books, but can best be described as a thoroughgoing romantic. A professor at the University of Chicago. Hans Morgenthau, was prevailed upon to provide an introduction and footnotes for the book, for the purpose, apparently, of protecting the innocent reader from infection. As it happened, Hauser at one point in his career had also been employed by the University of Chicago, but as a gardener rather than professor. As things have worked out, the former gardener may have had a more profound understanding of the developing postwar world than the professor.

The main points Hauser makes in his book are presented at the beginning in the form of propositions, of which the following are the most important:

"That the Allies are very likely to make a horrible mess of the occupation job the moment it becomes anything more than a purely military affair. The Russian occupation, for all the terrors it may hold, has a far better chance to succeed because it may be able to create a hundred percent Communist Germany.

"That the most representative and important group in Germany today — namely the intelligentsia — considers Communism to be an almost unavoidable, if highly unpleasant thoroughfare through which Germany must needs pass if she is ever to shake off the yoke of the Western democracies.

"That Prussia is unalterably the decisive force in Germany's destiny; that the spirit of Prussia implies militant socialism; and that we Germans must, in the long run, return to that."

Looked at twenty-seven years later, Hauser's propositions appear to be manifestly absurd. The Russian occupation zone, now organized as the German Democratic Republic, can hardly be considered a success when compared to the West German Federal Republic. The Federal Republic is an enormously productive country of some 60 million people, has become a major factor in world trade and international finance, is a member of NATO, and because of its economic power is virtually the dominant member of the European Common Market. The Federal Republic has not only been able to provide full employment to its own population, which includes more than 10 million Germans expelled from the former German territories to the East and from other parts of eastern Europe, but to some 2½ million foreign workers as well — Italians, Greeks, Yugoslavs, Turks, Spaniards. The German Democratic Republic, on the other hand, must line its border to the west with barbed wire, mine fields, and machine guns just to keep its population from escaping.

While the standard of living in East Germany is the highest in the Communist block it is still much lower than in West Germany; in addition, West Germany enjoys not only remarkable prosperity, but all the other attributes of a modern industrial democracy: a free press, free elections, the rule of law, access to education, pornography, too many cars, alienated youth, the whole panoply, while East Germany is a typical Communist police state: the press is rigidly controlled, there are elections — but no opposition is permitted to the Socialist Unity party, students are expected to study, the law is what the party says it is. In view of all this, one could hardly give Hauser high standing as a prophet on the basis of his 1945 prediction that the Russian occupation had a better chance to succeed than the western.

In addition, Hauser's assertion that "Prussia is unalterably the decisive force in Germany's destiny" runs into the unalterable fact that Prussia no longer exists: since one of our objectives in the war was to free the world from militarism, Prussia, as the epitome of the military spirit, was simply abolished.

There is more, however, to the German situation than prosperity and democratic institutions in one part and the lack of both in the other. Consider, for example, the situation of the Free University in West Berlin, once the prize exhibit of American German policy. The Free University was founded in the early days of the postwar period by professors from the old Humboldt University, which, by the division of Berlin, ended up in the Russian Sector, who refused to accept the Communist idea of a university. American financial and moral support was granted unstintingly — one of the main buildings is named after Henry Ford and an institute after President Kennedy —and the F.U., as it came to be called, became a distinguished university of international reputation. As of now, however, the university is almost paralyzed, a number of departments are literally controlled by militant Communist student organizations, and many of the best members of the faculty have left. The former dean of one faculty, who had emigrated during the Hitler period has emigrated a second time — all this almost within sight of the Berlin wall, where the shooting of someone trying to escape to the west is a regular occurrence, and the situation in some of the other German

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universities — Hamburg, Frankfurt, Heidelberg, is almost as bad.

West Germany, as an American client state, has become, in many ways, an image of the United States, but not of the United States as it really is, in its diversity and its complexity, but as it is reflected by the liberal eastern press and the academic establishment. The most influential magazine in Germany, for example, *Der Spiegel*, is almost an exact copy of *Time*, not only in format, but in its style and general approach as well — critical of all forms of authority, scornful of tradition, utterly sure of its own opinions, "factual" rather than analytical. One of the most influential nationally circulated newspapers, the *Suddeutsche Zeitung*, was founded in the early days of the occupation by American Military Government. It is left-liberal, mildly but not always mildly anti-American; it campaigned for years to free the German film industry from "sex taboos" and strongly favors Willy Brandt's *Ostpolitik*.

The impact of American theories and ideas is perhaps strongest in education—education is to be "democratic," available to everyone on an equal basis, and value free. The following from an essay on the situation in the German secondary schools by Franz Vonessen, Professor of Philosophy at the University of Freiburg, published November, 1972 in *Scheidewege* gives some idea of the situation: "Authority is a value, and values, according to the teaching of contemporary educational theory, are ideological. The methodology of public education in a pluralistic society may not establish values which only a part of this society accepts. Since, however, every true value is scorned by some, especially these days, we find that every ideal worthy of the name is suspect. On the other hand, if educators cannot begin with ideals, use them as guideposts, on what should they build? According to the contemporary answer: on what is there, on the available or obtainable facts, on the practical situation, more or less on the narrow external world of the pupil and his family circumstances. On this basis educational theory tries to bring subject matter, arranged according to a planned curriculum, to the child without realizing that there is such a thing as an order of knowledge, without being able to accept a true basis of order or a clear and recognizable goal of education."

The "re-education" phase of the occupation — something it is now rather embarrassing to recall — whereby we undertook to lead the Germans away from their bad, militaristic, aggressive past and make them into domesticated, peaceful democrats, gave numerous eager liberals an almost heaven-sent opportunity. A professor of education from Indiana, for example, was sent to Bavaria to reform the schools. He quickly decided that the German system whereby some children were given a different education than others was undemocratic; the German gymnasium with its demanding academic standards intended for those planning to go into professions should be abolished and replaced by the American High School, which would be attended by all children. He was particularly incensed by the classical gymnasium, where the curriculum is centered around the study of Latin and Greek. The fact that such schools had played an important part in the development of the great tradition of German scholarship meant little to a professor of education — they were undemocratic, and that was enough.

In the situation of West Germany at the end of the war it was inevitable that American influence would be almost overwhelming. Germany was an utterly defeated, broken, humiliated country, completely at the mercy, under the terms of unconditional surrender, of its conquerors. Under the terms of the Potsdam agreement, the upper half of East Prussia was ceded to Russia and the rest of the area east of the Oder-Neisse Rivers put under Polish administration, all this comprising nearly one-third of the pre-1936 area of Germany. The entire German population of this area of some 9 million plus the German minorities in Poland, Rumania, Hungary, and Czechoslovakia — about 13 million people in all — were driven out; most of those who survived, and could make it, went to West Germany, piling misery upon misery. Somewhat less than one-third of the remaining area of Germany was put under Russian occupation, and the rest divided between American, British, and French occupation zones. Industrial production was to be sharply reduced — steel production was to be limited to 5 ¾ million tons a year, no ships larger than fishing trawlers were to be built, no locomotives until 1949, the production of machine tools was severely limited, etc., and "excess" industrial capacity was to be dismantled and removed for reparations. The country was to be administered as a unit, but the Russians paid little attention to that, and quickly organized their zone as a typical Communist satellite with Berlin as its capital.

By the middle of 1946 conditions in the Western Zones had reached the point where complete chaos was imminent: industrial production was at a standstill, starvation was rife, the currency almost worthless, the housing situation apalling. On July 22, 1946, the London *Daily Mail* reported, "Slowly, quietly, hygienically the Germans are moving toward death." The future seemed hopeless. The realization of what this would mean for the future of Europe, plus Russian intransigence, brought about a gradual change in American policy, which resulted in the formation in 1949 of the German Federal Republic; by 1951 we were doing our best to convince the Germans to rearm. The Marshall Plan, the leadership of such men as Adenauer and Erhard, the currency reform of 1948, and German *Fleiss* (hard work) got things going again, and now, a generation after unconditional surrender, West Germany is a prosperous country, its bombed cities rebuilt, and an important element of its student population in full revolt, and turning to communism.

In the first years after the war America, for Germans, was the symbol of success, the society to be emulated. The endless columns of tanks, armored vehicles, trucks and jeeps, the mountains of supplies and the well-fed American soldiers who soon became friendly in spite of orders against fraternization, made a deep impression, an impression of an immensely productive, rich country. Then came the CARE packages, which for many families meant the difference between survival and starvation. The harshness and short sightedness of American official policy of the immediate postwar years was soon forgotten. The era of CARE packages was followed, under the pressure of the Cold War and the realities of policy, by economic and military collaboration. West Germany became, in a sense, an American province, its foreign policy subordinated to ours, and many of its institutions, particularly its press and educational system, strongly influenced by the American example, but the American example as presented by liberalism. When the Minister of Education in the first Brandt Administration set out to reform the German universities, to whom did he go for advise? To Clark Kerr, formerly of the University of California at Berkeley, and James Perkins, formerly of Cornell. Both were life members of the liberal establishment, and both, of course, had very nearly succeeded in destroying the universities they headed.

West Germany is the epitome of the permissive society. Pornography is rampant, authority in any form is sus-

Contributors

Taylor Alderman is a professor of English at Youngstown State University in Ohio; he is also one of the editors of the periodical *Hemingway Notes* ... **James Grant** is on the staff of the *Baltimore Morning Sun* ... **Neil Howe** is a graduate of the University of California at Berkeley and Managing Editor of *The Alternative* ... **Henry Regnery**, who recently returned from Germany, is chairman of the board of Henry Regnery Company Publishers ... **Tommy W. Rogers** is a professor of sociology at Georgia Southern College in Statesboro, Georgia ... **Roger Rosenblatt** is an assistant professor of English and the director of the Expository Writing Program at Harvard University; he is also the Literary Editor of *The Alternative* ... **Paul Seabury** is a professor of political science at the University of California at Berkeley ... **George Swan** is a graduate student in law at Notre Dame University ... **Paul H. Weaver** is an assistant professor of government at Harvard University and the Associate Editor of *The Public Interest* ... **George Will** is the Washington Editor and reviewer for *National Review*.

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pect, "democracy" and "tolerance" have become absolutes: no longer means to a better ordering of society, but ends in themselves. When Rudi Duschke appeared on the scene and the German SDS, following the American example, began smashing windows and making "non-negotiable" demands, the Social Democratic government of Berlin could think of nothing better to do than to give the students a substantial part in the administration of the university. Following the American model, the traditional German office of Rector, who had served for one year and was elected by the professors, was replaced by an all-powerful president, who is elected by a committee consisting of representatives of the professors, assistants, and students. To show their complete devotion to democracy, even the *Dienstkrafte* — the secretaries, laboratory assistants, cleaning women, etc. — were given a voice. The result, not surprisingly, was chaos. Since the Communist students, who are in a decided minority, are well organized and politically motivated while the others are primarily interested in getting an education, it is the former who control the student organizations; with the help of the Communists among the assistants, they are able to outvote the professors, and now, to a large degree, control the Free University in Berlin. The situation of the universities in the other states controlled by the Social Democrats approaches that of Berlin, for the same reasons.

The West German army is in a somewhat similar situation. In the frantic desire of the Germans authorities to avoid any embarrassing reminders of the *Wehrmacht* — which was, as armies go, rather effective — a new kind of army was proposed. Discipline is mild, any ties to the German military tradition are studiously avoided, the authority of officers and commanders is strictly limited, and even the uniforms avoid any resemblance to former German practices. The soldier is to be a "citizen in uniform," with all the rights and responsibilities of a citizen; his motivation is to be *innere Fuhrung*, which no one seems to be able to define, but may be translated as "inner leadership." The East German army, however, is something else again— discipline is strict, the uniform is German, even the "goose step" has been retained. The confusion and insecurity of the ruling group in Germany were never more clearly demonstrated than at the Munich Olympics. The authorities in Bonn refused to permit the Munich police to make the security arrangements the situation obviously required for fear of the bad impression this might make on foreign visitors and the criticism it might arouse in the foreign press — the possibility of a thundering editorial in *The New York Times* or *The Washington Post* about the resurgence of German militarism is undoubtedly a terrifying prospect to Willy Brandt.

In the recent German elections the Social Democratic party under the leadership of Brandt, for the first time since the founding of the Federal Republic, received more votes than the combined vote of the CDU and its Bavarian counterpart, the CSU. The reason usually given for the victory of the Socialists is *Ostpolitik*, the policy of establishing relations with the German Democratic Republic and more normal relations with Russia and the satellites. Brandt, however, had much more going for him than that — he had the backing of the American liberal press, which carries great weight in Germany; was able to make it appear, at least, that he had the support of Washington; and he had most of the German press, TV, and radio behind him. In this respect, the situation was somewhat comparable to the Goldwater-Johnson campaign. In addition, there was the enormous prestige of the Nobel Prize for Peace, which no doubt meant more in postwar Germany, with its guilt complexes, than it would have any where else. Brandt, in short, had the backing of western liberalism, and is, in fact, a creation of liberalism. Such a man as Franz Joseph Strauss, on the other hand, the head of the Bavarian CSU, who is without question one of the most intelligent and forceful men in German politics, has been made all but ineffective outside of Bavaria by the same liberal influences that created Willy Brandt.

If the present political leadership of the Federal Republic is unsure of itself, uncertain of its objectives and its position in the world, there is no indication that their counterparts in the DDR, the German Communist state to the East, suffer from any such maladies. In the negotiations with the DDR, it is the West Germans, in spite of their preponderance of economic strength, who have made the concessions, and the East Germans who knew what they wanted and got it.

What really goes on in the DDR it is difficult to know. We can be sure, however, that it is not a society characterized by excessive permissiveness, and that the universities are not run by the students. The head of a large West German industrial firm told me that it was his impression that the graduates of the technical universities of the DDR were better trained and better qualified than those from West German institutions. The Mayor of Berlin, Klaus Schutz remarked to me that he thought the churches in East Germany had far more influence than those in the West. It seems logical to assume that because of the strong opposition to Russian Communism on the part of the large majority of the population, traditional values may well have survived better in East Germany than in the West, just as the Catholic Church is no where so strong as in Poland.

Hauser's predictions were made in 1945, when American policy was still under the influence of the Morgenthau Plan and the euphoria of the "Good Old Uncle Joe" period. They have not come true, of course, but there can be no doubt that the trend in Germany is in an eastward direction. The magazine *Criticon*, published in Munich, in its October, 1972 issue, quotes the Attache of the Russian Embassy in Bonn as having said in a speech in Fulda on June, 1971: "The Soviet Union follows only one interest, that there shall some day be only one, socialist Germany." The Constitution of the DDR not only blames "Western Imperialism" for the division of Germany, but makes "reunification of the two German states on the basis of democracy and socialism" a primary task of both citizen and government. Walter Ulbricht, former Chairman of the East German Communist party, in discussing this paragraph of the Constitution (*Neues Deutschland*, Feb. 1, 1968) wrote: "In this sentence we express our firm conviction that Socialism will make no detour around West Germany and that the day will come when the West German workingman and his allies will make common cause with us for a united, socialist Germany."

There is good reason to believe that this is what some influential men in the West German Social Democratic party want also. In a speech given in Worms on June 10, 1972, justifying the treaties with Moscow and the DDR, Herbert Wehner said, "Barzel has asserted that these treaties will open the door to Socialism. We Social Democrats have never denied that we are Socialists." Herbert Wehner, now Vice-Chairman of the German Social Democratic party, before the war was a leading figure in the German Communist party; he went to Stockholm during the Hitler period, and during the war was arrested by the Swedish police as the "agent of an enemy power." He came to West Germany in 1945, joined the SDP (Social Democratic Party), and through his energy, purposefulness, and organizational skill, soon went to the top of the party hierarchy. When Wehner speaks of "Socialism," therefore, there is reason to believe that he means Socialism as understood in the DDR, and that what he wants is a United Germany with Berlin, not Bonn, as its capital.

One reason that Hauser's prediction may prove to be correct that "Russian occupation...has a better chance to succeed because it may be able to create a 100 percent Communist Germany" is the equivocal western position toward German reunification. The British and the French have made no secret of the fact that they prefer to keep Germany divided. What Adenauer sought to attain, and what we would have had immediately after the war if our statesmen had understood more about history, was a united Germany integrated into western Europe. Instead, in our desire to punish the Germans for their sins and to keep Germany weak,

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we may have brought about a situation where Germany will be united, but under the umbrella of Communism. General Patton, who understood something about power and history, did everything in his power to convince his superiors not to yield Berlin to the Russians; he was of the opinion, in fact, that rather than turn over to the Russians part of the German territory we had occupied, we should force them to withdraw farther east, which we were no doubt in a position to do. General Patton's Chief of Staff, General Gay, once told me that when Patton was ordered not to occupy Berlin, and became rather vehement, General Eisenhower finally said, "Of what use is Berlin anyway?" Patton's reply, according to General Gay, was "Eisenhower, history will answer that question for you."

In Southeast Asia we have fought a long, bloody, and hideous war to prevent the Communist North from taking over South Vietnam. How much more serious a Communist take-over of West Germany would be it is hardly necessary to mention; to prevent it, for the past twenty-five years we have maintained a huge military establishment in West Germany at vast expense and contributed substantially in other ways to the defense of western Europe. There is no danger, at least in the immediate future, of military invasion of West Germany. We do not seem to realize, however, that ideas can play as decisive a role in history as armies, and this was the basis of Hauser's propositions. Of what use will our military be if the West German Socialists decide to join their comrades of the DDR and establish the United Socialist Germany advocated by Walter Ulbricht and allegedly the "one interest" of Communist Russia? For this eventuality American opinion and American policy as well seem to be completely unprepared. □

George Will

The Passing of a Political Edsel

The following speech by George Will was given at Michigan State University in East Lansing exactly one week after the '72 presidential election. The text has been somewhat shortened. — Ed.

George McGovern, thanks to Richard Nixon, now enjoys freedom as understood by one philosopher of the new culture, Kris Kristofferson. A close textual analysis of his song "Me and Bobby McGee" reveals, "Freedom's just another word for nothing else to lose." If that is true, only Massachusetts and the District of Columbia stood between McGovern and perfect political freedom. I am not persuaded that Mr. Kristofferson's definition is to be preferred over, say, Plato's definition. But I tip my hat to Mr. Kristofferson for his felicitous phrase—again in the song "Me and Bobby McGee" — which perfectly describes how Mr. McGovern must now feel. Mr. McGovern must be "feeling near as faded as his jeans."

It is my job today to explain why, in my judgment, Senator McGovern faded, why the American people found Senator McGovern so resistible. This is a big task because the people were so marvelously, so thoroughly obdurate in rejecting the candidate who must have set some kind of record for ignoring all evidence while insisting that he was the incarnation of the popular will.

There are four reasons why McGovern lost.

One is: The American people felt comfortable with Richard Nixon, and the American people do not casually cashier incumbents with whom they feel comfortable. But there are three other, more interesting reasons why McGovern lost. The reasons are:

First, McGovern did not represent his party.

Second, McGovern's positions on the issues were contrary to those held by the voters.

Third, McGovern's personality as revealed in his campaign was repellent to the voters.

McGovern did not represent the thinking of his party. He did represent the choice of the Democratic National Convention. But this year the convention did not represent the party.

The reasons for this are not hard to find.

The rules governing delegate selection to the 1972 convention were drafted by a Commission on Party Reform, the McGovern Commission, named after its chairman. The men and women who drafted the rules — McGovernites, mostly — had one overriding purpose. That purpose was to facilitate the nomination of the Chairman of the McGovern Commission.

The ideology of the McGovern Commission reform is the ideology of a quota system. True, the McGovernites denied, right to the end, that the delegate selection system, with its requirements for so many women, and so many blacks, and so many of this and that minority, was a quota system. But this denial just means that they lacked the courage of their dreary convictions. It certainly was a quota system.

The worst consequence of the McGovern Commission's quota system is not the damage it has done and will continue to do to the Democratic party. The worst consequence of that quota system is the life it breathes into two very dangerous principles about a very important concept. This is the concept of representation. The two dangerous principles are these.

First, a black, or a woman, or a chicano, or any member of any identifiable group, can only be represented by another member of such a group.

The second dangerous principle is: A black representative — or a woman, or a chicano, or whoever — is *obligated* to represent the interests of, and *only* the interests of, blacks, or women, or chicanos, or whomever.

Individually, each of these principles defies sensible justification. Taken together they are destructive of democracy.

They cannot be justified because they rest on discredited notions about racial or sexual or ethnic "identities" that can only be understood and "represented" by people of the same race, sex, or ethnic group.

Taken together these principles are destructive of democracy because they destroy two attitudes which sustain the civility and good will that make popular government feasible.

If one accepts the idea that (say) blacks or women are represented *only* to the extent that blacks or women are delegates to a convention, or are members of Congress, then one is accepting the principle that American citizens are not united by common bonds of social affection; that we, the people, are not united by any shared values; that, in fact, the salient features of the social terrain are racial and sexual distinctions, rather than the accepted differences of political philosophies and interests.

And if one accepts the idea that a black or a woman delegate or representative has *no* obligation to the larger community — that he or she can *only* represent blacks or women, and that he or she has *no other* responsibility than representing blacks or women — if you accept that idea, then you cannot make *any* sense of the idea of the common good, or the general welfare. This is so because you cannot make sense of anything that is common to all Americans as citizens. You cannot believe in anything that is of general concern to Americans as Americans.

The concept of representation implicit in the McGovern Commission reforms is this: the significant characteristics of citizens are racial and sexual distinctions. I would point out just one thing. When the great civil rights battles were taking place in the Senate in the 1950s and early 1960s, the Senate was all white. Under the concept of representation advocated by the McGovern reforms, those white senators had no obligation to represent black Americans.

But be that as it may, the McGovern reform rules worked for McGovern. Having won the nomination largely by rewriting the rules by which the game is played; having won the nomination against the gossamer opposition of Senators Muskie and Humphrey, the McGovernites were seized with delusions of adequacy. Some quite sensible non-McGovernites suspended their disbelief in McGovern's oft-demonstrated carelessness. That was a mistake.

For about twenty-three of my thirty-one years I have been a Chicago Cubs fan. This makes me a kind of connoisseur of incompetence. And as a connoisseur, let me assure you: You can ransack all

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of American history without finding anything comparable to the ineptness of the McGovern campaign. And what is insufficiently appreciated is that this ineptness was not a fluke. It flowed straight from the spirit of McGovernism.

To help you understand why I say this, let me direct your attention to one of my favorite McGovernisms, a statement that was quoted in *The New York Times* of June 9. McGovern, speaking about young voters who supported him, said this: They "want a candidate who really knows where he'd like to see the country go. They don't worry about all these little details about how much every aspect of the program is going to cost." Ponder that. According to McGovern, his young supporters are too large-minded to be bothered about "little details" like what things cost. "Little details"! I wonder what McGovern considers a large detail? But no matter. The point is that details, large or small, do not concern the large-minded folks of McGovern's legions. What concerns them is the task of being sure at heart. McGovernism is a spiritual movement and it has precious little to do with the often dull and grubby business of governing.

Oh, I know McGovern talked a predictable Democratic line. For forty years the Democratic party's domestic policy has been to find a problem and throw money at it. But the problems persist and multiply, and the money is increasingly scarce. Having just finished inflicting upon the country the worst eight years of government in American history, do the Democrats today have more modest pretensions? Fat chance. Do you know that the Democratic platform actually speaks about the government delivering — and I am quoting — "a personal life that makes us all feel that life is worth living"? Do you suppose the Democrats have in mind a brand spanking new cabinet position — Secretary of Personal Lives Worth Living? Confronted with such woozy utopianism, one does not know whether to laugh or cry. Our government has not mastered the homely art of delivering a postcard, and the Democrats want it to deliver "a personal life that makes us all feel that life is worth living."

The question is: How can anyone believe such stuff? The answer, which takes us to the heart of McGovernism, and to the heart of the contrast between McGovernism and Nixon's Republicanism, was revealed in McGovern's shrill rhetoric.

When the vituperation stakes are run this year, McGovern will win by a furlong. When he was not comparing President Nixon to Hitler, he was declaring that it would be "indecent" — his word: "indecent" — to vote for anyone but himself.

McGovernites are given to describing themselves as "decent," thereby implying that people who disagree with them are "indecent." This is not just a political tactic on their part; they actually believe it. They believe it because they cannot believe that there would be *any* problems in the nation, or the world, if "decent" men were in power in Washington. You see, the fundamental axiom of McGovernism is that *all things are easy to the pure at heart.*

If there is conflict in the world it is because the pure of heart are not in power in Washington.

If there is poverty in America, it is because indecent, ungenerous men refuse to take the easy steps to solve it.

If there are problems between the races, the generations, the classes, the sexes, it is because racists, sexists, or other mean-minded people in power will not make the easy effort to solve our problems.

The tiresome litany is always the same. We have problems because, and only insofar as, we are governed by mean-minded men and women who will not take the easy, obvious steps to solve our problems. And we will cease to have problems — indeed, we will all suddenly enjoy what the Democratic platform promises, "a personal life that makes us all feel that life is worth living" — if, but *only* if, we replace the indecent Americans with the decent Americans.

The notion that all things will be good when the bad men are driven from the corridors of power is the hoariest fiction in politics. You may recall that the leaders of the French Revolution believed that the reign of justice would begin when the last king had been strangled with the entrails of the last priest. This is a touching moral fable, but it is, alas, a fiction. And it is not a harmless fiction.

People who believe they are uniquely pure at heart, and who believe that problems yield readily to the pure at heart, will not hesitate to expand the scope and power of any government they manage to capture.

This is the correlation that, in my judgment, was intuited by the voters. And this intelligent voter reaction against McGovern's moralistic rhetoric is, I hope, evidence of a national revulsion against extravagant rhetoric.

To be fair, the McGovernites are not the only offenders. Our political language, like our advertising language, reflects the same kind of moralistic extremism.

Let me give an example. All this summer and autumn Trans World Airlines has been running a television commercial that has inspired me to go to extraordinary lengths to avoid flying on Trans World Airlines. In this commercial a well-known actor strides briskly aboard a TWA jet and announces that now, at last, TWA offers customers — and I am quoting — "the first sane, sensible" short commuter flight.

Notice the language.

TWA offers the first *sane* commuter flight. The unprecedented "sanity" of this flight consists (by the way) in luggage space in the cabin which permits the busy executive to bring his bag aboard, and save time when he arrives at his destination. That is, no doubt, a very agreeable feature of the TWA flights. But does that make the TWA flight the first *sane* flight? I do not think so, and I do not think I am being excessively fastidious when I object to this kind of language. This is not just traditional advertising hyperbole. Rather, it is advertising language suited to, and reflective of, the new moralism. Advertising is nothing if not trendy. And this advertising language reflects the trend toward extravagance in all our discourse.

When TWA invests a significant portion of its huge advertising budget in a commercial that implies that TWA's competitors are not just inferior, but *insane*, I hear an eerie echo of Senator McGovern and the other moralists who have plagued us in recent years. When Senator McGovern uses the word "insane," it is a reflection of politics serving as a surrogate for more traditional pieties. This is so because McGovernism is religion carried on by other means. At a campaign stop in St. Louis McGovern proclaimed: "If I win the election I would like to be remembered most of all for restoring the presidency to a position of moral leadership worthy of a great people with great ideals." Now I ask you: Does a great people really need to be given moral leadership by politicians?

Does a people with great ideals need to have those ideals massaged by occupants of the White House?

I think not.

McGovern's moralistic conception of leadership is fine for a Methodist parish — or for any other parish. But when applied to a political office this conception generates overweening, pretentious and, in the end, preposterous moral duties. Britain's former Prime Minister Harold MacMillan once was asked if his government would give the British people a "sense of purpose." No, MacMillan said, if people want a sense of purpose they should go to their bishop, not their politicians.

As yet the American people do not want politicians who want to save the souls of

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the people. And the people do not like politicians who constantly tell the people that their souls are corrupt and need saving.

The tag line of Mr. McGovern's television commercials was "McGovern. . . Democrat. . .for the People." Now that Mr. McGovern, Democrat, has been laid waste by the "people," a predictable but nonetheless interesting and entertaining ritual has begun. Mr. McGovern's most energetic supporters, outspoken liberals in the media and academic communities, must explain why "the people" once again have behaved so disagreeably.

McGovernites are desperately cultivating the idea that their victory express was derailed by the Eagleton affair. It is easy to understand why. After all, if poor Tom Eagleton is not to blame, then who is? There are only a few other possibilities.

One possibility is that the candidate is to blame. But that answer is clearly unacceptable to McGovernites.

If one cannot blame Tom Eagleton or the candidate, then another possibility is to blame the supporters who tried to transform Senator McGovern into President McGovern. But McGovernites cannot be expected to blame their fellow McGovernites for the fiasco merely because such blame is plausible.

Thus we are left with only one possibility. The blame must be fixed on the American people. That, in fact, is where the candidate fixed it all during the campaign as he prepared to be massacred. And that is why his campaign consisted largely of unwitting insults directed at the American people. Let me explain wherein the insults lay.

I am sure every discerning American has one particular piece of vintage McGovernism that he treasures above all others. My favorite is a statement McGovern made two weeks before the election. He was asked if Nixon's massive lead in the polls made him doubt that he was going to win. No, he said, he just did not believe the polls. Why not, he was asked. Because, he said — really, he said it — because there is such a "climate of fear" in the nation that people are afraid to tell the poll takers they they are going to vote against Nixon.

Poor George. It seems the climate of fear was worse than he thought. The people were afraid to tell the voting machine that they liked McGovern.

I believe the average American who noticed that remark thought McGovern was implying that the average American is a coward. And this is just an example of the contradiction that undercut the entire McGovern campaign against the President.

McGovern argued not just that the President was the wrong man to be president, but that the President is a man whose dedication to evil is unique in American history.

McGovern arrived at the opinion — and broadcast it tirelessly — that Nixon is like Hitler; that the Republican party is like the Ku Klux Klan; that the Nixon Administration evenly divides its time between plotting to re-establish segregation and plotting to win the title as — and I am quoting McGovern — "the most corrupt administration in history."

Every time he declared that Nixon was a villain, he insulted the American people who elected him. *By the logic of McGovern's own argument, only a sick society could produce an administration as evil as the Nixon Administration. And McGovern, bowing to the logic of his rhetoric, denounced America as a* "sin-sick" *society.*

It was uncanny. Mr. McGovern seemed constitutionally incapable of speaking three consecutive sentences without attacking the moral character of the majority of Americans. And Mr. McGovern obviously is mystified by the fact that the majority of Americans resent this.

The point is that if Richard Nixon is as wicked as McGovern says he is, and if the American people are as "sin-sick" as McGovern says they are (and, indeed, they must be sin-sick if they elect people as wicked as McGovern says Nixon is), then obviously the American people are too corrupt and sick to choose anyone as virtuous as McGovern says McGovern is.

Again and again we come back to the matter of McGovern advertising McGovern's very singular virtue. Robert

On Ms. Muffet

Little Miss Muffet
Sat on a tuffet,
Eating her curds and whey ...

Those afflicted with in-group Americanism feel that Little Miss Muffet was frightened away because a spider sat down beside her. Professor Festus Grunt, director of the Authoritarian Personality Evaluation Institute, a National Institute of Mental Health funded interdisciplinary group, has countered this ethnocentric mythology with the view that Miss Muffet's suspicion, distrust, and panic can be more clearly understood as the result of Muffet's effort to maintain integrity and self-esteem at the expense of others.

Implicit in Muffet's attitude, Grunt explained, is a strong distrust of those who are different and therefore alien. Her actions indicate that "she not only accepted the national paranoid delusions of persecution and megalomania that attracted WASPS, small businessmen, rural Midwesterners, and other churls to McCarthyism, but she has pronounced delusions of persecution in regard to her own person."

Social psychiatrist Rodbart Coals added "Muffet's actions indicate that she is emotionally unstable, immature, hostile, and mentally unbalanced." Such ultra-reactionary rightist qualities are often the result of arrested psycho-sexual maturation, Coals explained. Coals noted that it is probable Miss Muffet was a Goldwater supporter since she demonstrated the pathological prejudice and unconscious visceral hatreds that attracted twenty-seven million unbalanced persons to the Arizona Senator.

Noted political scientist Thomas F. Petticoat observed that the simplistic, impulsive, unreflective qualities evident in Muffetism (a term coined by political pornography expert Herb Rott) identify the "authoritarian personalities" who tend to project their own inner problems onto persons and events outside themselves. Petticoat noted that such a person perceives every social encounter as dangerous, interprets every provocation as threatening. Were Miss Muffet more willing to accommodate the legitimate aspirations of spiders, he suggested, she would not have taken such illiberal, unilateral escapist action.

Sociologist Antonio Fraudulio pointed out that the person who is politically and economically conservative usually comes from a home that represents a prototype of the authoritarian world. Their rigidity inclines them to stereotypic thinking. Such persons rarely substitute for patriotic intuition the nostrums of we Intellectual Messiahs, he lamented. Fraudulio concluded that Miss Muffet's actions conform to the basic pattern exhibited by the authoritarian. With varying degrees of self-righteousness and inflexibility, persons bred by conventionality and fundamentalist religious convictions see society as a neatly ordered hierarchy in which their group occupies a select place. To the extent this preferential position is threatened, there is a presumption of foul play.

Political scientist Wing Wong Chefung stated that from a symbolic projection perspective the menace of cosmopolitanism and sweeping change which Miss Muffet interpreted as an affront to her security and status were projected as an irrational fear, suspiciousness, and distrust of spiders. Dr. Chefung pointed out that Miss Muffet demonstrated the typical paranoid reaction of the marginally insecure person that becomes transformed into a conspiracy belief. "Muffet," Chefung feels, "was seeking to turn back the clock of twentieth-century industrialization, back to an era when people sat on tuffets, ate whey, and handled international problems unilaterally. Her projection of her own fears, hostilities, and inadequacies prevented her from displaying statesmanlike qualities, of seeking bold new approaches. I mean, how did she know the spider's intentions were not peaceful? And why not a coalition government to share the tuffet? And who was Miss Muffet to consume whey that should have been nationalized by the spider for the benefit of all the people? Anyway, let's look at it from the spider's viewpoint."

Tommy W. Rogers

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Sam Anson is McGovern's biographer and is undoubtedly the first and last man to earn a tidy sum of money as a McGovernologist. He says this about McGovern's ideas about himself and his purpose in life: "McGovern made up his mind on that subject — and a number of others, from the existence of God to the ideal American foreign policy — nearly three decades ago, while still a graduate student at Northwestern University. Since then he has been more or less a finished product, both personally and ideologically."

This has the ring of truth, and it causes me to share with you one of Will's Self-Evident Truths: No one should be elected president — or dogcatcher, for that matter — whose ideas about important matters remain unchanged since graduate school. But that is not the most significant thing about Anson's description of McGovern's intellectual development. The significant thing — not to put too fine a point on it — is that McGovern is not affected by a shadow of a doubt concerning — well, concerning anything.

In his campaign McGovern was short on doubts, but long on indignation. And this indignation was not convincing to the American people.

These, then, are the reasons why Nixon won: He had performed reasonably well in office and he had an opponent who did not represent his party and who campaigned in a way that alarmed and insulted the American people.

But I cannot close without mentioning the role of the quintessential McGovernites, those in the academic community.

To me the most pleasing statistic about the election is that while the nation as a whole was busy recording its nearly record-breaking dislike of McGovern, a poll of the Harvard students and faculty revealed McGovern enjoying the adoration of six out of every seven members of that community.

The significance of this fact is as follows. Students and their celebrators — ideologically fervid and notoriously leisured — form the backbone of the so-called New Politics.

They have the ideological incentive to use their leisure time to dominate the *nominating* process as it has been amended by the Democratic party. But — and this is the central iron of the political season — *the New Politics is capable only of nominating unelectable candidates.* Should the New Politics maintain its stranglehold on the Democratic party, the Republican party may become the majority party.

Frankly, I do not expect that to happen. I think McGovern was the last residue of the receding wave of Radical Chic. I think McGovern was the last gasp of the theatrical politics of the 1960s. 1976 will be tougher for us Republicans, but that will be better for the country. □

An Interview

Paul Seabury: The Numbers Racket on Campus

Paul Seabury is a professor of political science at the University of California at Berkeley.

Within the last year or two, he has become widely known for his outspoken criticism of "affirmative action" in the university. His criticism is especially directed toward HEW's Office for Civil Rights (OCR) which is now requiring the vast majority of American universities to implement sweeping "affirmative action" programs under the authority of federal contract compliance law. Two articles by professor Seabury on the significance of "affirmative action" have recently appeared in Commentary: *"HEW and the Universities," February 1972; and "The Idea of Merit," December 1972.*

..In this interview, The Alternative *discusses with professor Seabury the short and long term effects of "affirmative action" quota systems as they are now being administered by American universities.*

The Alternative: In your article in *Commentary* (February 1972) you wrote that what has distinguished the American university over the last four or five decades has been a singular insistence upon excellence in scholastic achievement. Do you think that the racial and ethnic discrimination of affirmative action seriously endangers these principles of academic excellence?

Professor Seabury: I do. The question is what the special forms of damage are. One of the great risks in this business is what I call 'do-it-yourself' affirmative action which is in a sense less sanctioned by the practices and policies of HEW itself. It is very interesting, for example, that HEW never itself sets its own quotas. It requires universities to establish their own set so that they are not liable under law to be found in violation of the Civil Rights Act. Now what is happening all over the country is that a wide range of affirmative action programs are now being put together by very alarmed administrations threatened by the cutoff of federal funds and also by a combination of pressures within individual colleges which themselves want to do the very thing HEW is doing, only they want to do it even more so.

A: When we talk about academic standards of excellence, what exactly are these and how can they be measured?

S: The standards, of course, are the standards of scholarship and teaching. I have never thought that it was possible at all to establish uniform laws of excellence. What there is is a kind of internalized ethic where — in seeking out new scholars for your faculty and promoting them — one is really searching for the best one can get. The judgment of competence evolves upon a very narrow group of prudential scholars working in the field. That is the way I think it ought to be.

A: Is there any way to reconcile the idea of affirmative action quotas and these principles of academic professionalism? Is there any way to bring them together?

S: It is possible to imagine ways in which the impact of quotas could be somehow modified; that is to say, in the sense that you would agree upon a set of so-called goals which wouldn't radically require you to substitute those discriminatory categories for the categories normally used. Unfortunately, one of the strangest, current problems facing universities all over the country is the very tight budget situation; colleges are not expanding, and at this very moment of constraint you're getting this clout coming in from Washington when the slots you have open are very few. This means there is a terrible pressure upon university administrations to place top priority on hiring people in particular affirmative action categories. This means you have to exclude from consideration everybody who is disadvantaged by not being 'disadvantaged.'

A: Considering how deeply the motto 'to each according to his ability' is rooted in American culture, and particularly in American universities, what are the social and intellectual forces pushing affirmative action? Where exactly did this demand to achieve racial equality at the expense of all other considerations come from?

S: I am not a cultural historian, but there is after all something of a *zeitgeist*, a spirit of a particular period of time, that works its way in rivulets and eddies throughout your culture, and I think this is one of our problems. If you go back for example to the 1950s, you had at that point, I think, possibly an overstress upon credentialing excellence. It was what I call the Hyman Rickover effect of the 1950s, where many ambitious universities pressed very, very hard to become the best, the greatest, and so forth. It tended to place far too much emphasis upon scholarship and research to the detriment of anything else. What we are now getting is an enormous backlash in the opposite direction. As many people have pointed out, the equality of opportunity is really not the same as the equality of results. These are two, entirely different ways of looking at equality. To have equality of opportunity does not mean that the sociological results are going to correspond to the sociological categories, and there are many reasons for this which have absolutely nothing to do with the writings of Mr. Jensen, but have a great deal to do with mysterious elements in our culture. Some particular categories of people — whether we like it or not — like to do certain things that other people don't and they happen to be good at it because they are very motivated to do it.

A: Do you believe that the legislators

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who originally framed the Civil Rights Act in 1964 and favored affirmative action knew that this provision would eventually lead to some sort of quota system?

S: I really don't know. I do know that the principal sponsors, men like Senator Humphrey for example, *denied* that quotas would be a consequence of this. Now, of course, the argument which is made by those who did turn in the direction of quotas is: how are you otherwise going to achieve social justice? That's the bureaucrat's approach to it, which is another thing that has struck me about HEW's affirmative action. That is the development of an immense bureaucracy in Washington to deal with these problems of compliance. I am told now that the HEW 'Contract Compliance' office for higher education has in the neighborhood of 500 employees, including almost a hundred of these who negotiate with universities

A: What makes HEW officials so determined and eager to wield their power against the universities?

S: It's a middle-ranged bureaucracy that's inspired by a moral fervor. It is interesting that Stanley Pottinger is an appointment not of Elliott Richardson but of Finch. When he came to OCR, I am sure this was a very modest kind of enterprise. But what was then attracted into it, I think, was a wide variety of compliance officers who were really coming to reform society with a messianic impulse. That isn't to say that all of them are like that, but that there are quite a large number who view their roles in negotiating with universities as that of purifying universities.

A: In your article you said that "affirmative action was altered by a Labor Department order based not on the Civil Rights Act but on revised presidential directives only months after the Johnson order was announced. This order reshaped it into a weapon for discriminatory hiring practices." When I compare the language of these two orders, I see a substantial shift in both the theory and practice of affirmative action. Who and what forces are to be blamed or praised for this shift?

S: You have to look back into the origins of this thing. The source for the orders is the Department of Labor. The language and practices that develop in HEW are imitative of those that the Labor Department is using, so that the particular procedures, the particular modes of compliance investigation and compliance are derived from the industrial sector. Now, I'm not saying in any way that one ought to have a double standard and that universities should somehow be exempt from the ordinary rules of law that apply to everybody. But it is true that there is a very sharp distinction between a brick layer's union and a faculty of the university. The differential skills in a university faculty are so vastly greater, so much more diffuse. The length and types of training involved in becoming competent are so different than those that might apply in a brick layer's union. It's easy to administer affirmative action where you are dealing with a large category of uniform types. This is one reason, I think, why the HEW people when they moved into the universities never knew what was going to hit them. They just didn't understand the university and the unique decentralized character of the thing. In the university, the basic agencies of decision are departments, but if you take an industrial firm, someone goes to a central hiring office and gets a job. That was something that a lot of the HEW people really didn't think about.

A: Could HEW adopt any better procedure? Looking at this problem from HEW's point of view, do you think they should wait for complaints or that they should investigate each case on their own?

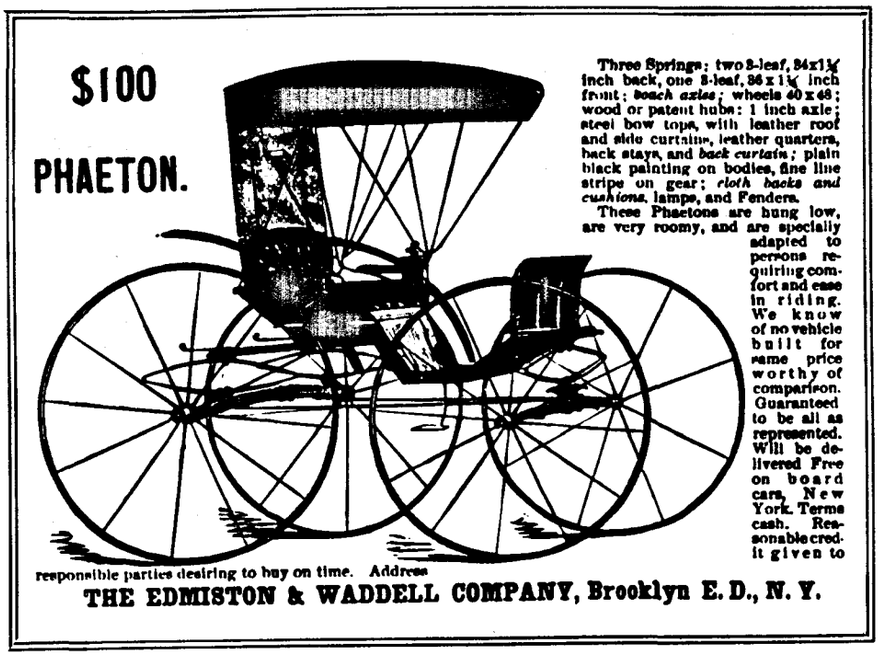
S: My feeling is that the practices of HEW should be brought into line with the Civil Rights Act — to make it in that respect legal — and that the honest thing to do would be to investigate all individual complaints and discriminations. That would be a helluva job for a federal bureaucracy to engage in. But nevertheless, there are so many scandalous instances of pernicious reverse discrimination going on that it would be rather nice to see HEW looking into these, but I haven't seen a single shred of evidence that HEW cares at all about the victims of its own current policies. It would be an embarrassing thing for them to do.

A: Do you share the common fear that the quota system might become so absurdly extensive that it would set ratios for every imaginable racial, national, political, or geographic group — that is, set ratios for everything?

S: It's the old parade of the horribles when one imagines these nightmares. There must be a certain point that you get to where the ludicrousness of this becomes apparent. Now, I said a year ago when I began getting interested in this that the effect of HEW's policies was going to breed more oppressed groups. This indeed is what has been happening. What was begun, as I pointed out in my article, to alleviate the condition of blacks has now become a gigantic crusade for all sorts of categories. I was rather interested, for example, when Congressman Podell of New York became concerned with the problem of discrimination, that his first reaction was to demand of HEW that they also include religious groups. Instead of objecting to the categoric system, you invent some other category that can be protected. That way lies madness, of course. This is something that the government of India discovered to its great dismay in the 1950s and 1960s when they were dealing with the backward caste. The moment you set up one category of castes that are eligible for preferential treatment, everybody else wants to get on the bandwagon. There are a couple of Indian states where the thing became so ludicrous that all of the castes except one or two became officially registered as 'backward.' There is a very good book, incidentally, on the Indian experience by Donald Smith called *India as a Secular State* that goes into great detail about this. Now the Indians went very far and this has had very bad consequences. Once you get these privileges, you keep them. It is like oil depletion allowances. It isn't true that you can do this as a temporary measure until you have redressed past wrongs, until you have reached some new, equitable standard, before you go back to ordinary practices. It is very hard to do this because organized groups have got their clutches on a part of the pie. They are going to fight to keep it.

A: Let's discuss some of the arguments in favor of affirmative action. Don't proponents argue that it is now recognized that certain minority groups have suffered social and legal injustices in past decades and centuries, and because of this, because blacks especially suffer from what educators call 'an inferior educational environment' in upbringing, that affirmative action requires universities to counteract this bias by waiving admission in the minority's favor? 'Making up for society's injustice,' I guess, is one way of putting it.

S: The question is, what are the agencies of altering the nature of human be-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> The adoption of quotas would be the most radical change one can imagine in the American ethos. The fact that it began to be implemented with no public discussion whatsoever and the fact that this change began to be implemented mostly through the activity of bureaucrats is an astonishing feature of the national life at this time.
>
> *Norman Podhoretz*
> *Editor*
> *Commentary*

> ... there cannot be a university or college anywhere in the country today that does not know that where basic grievances exist, those who are aggrieved will turn to every available source for redress, including the Federal government. And surely they must know that if the university does not *voluntarily* deal with the issue, a vacuum is created which the government, like nature, abhors.
>
> *Stanley Pottinger*
> *Director of the Office for Civil Rights*

ings? It seems to me that there is a sharp difference between quotas and a practice that was authentically attempting to train and, in that sense, to liberate people from cultural constraints so that they could then move into the broad stream of effective national life and be treated as equals by other people. When you apply preferential treatment at a very advanced stage — here, I am thinking about academic recruitment — one establishes, in effect, double standards. It seems to me that this has a very pernicious effect — and rightly so as a number of black educators have pointed out — upon the morale of people who then begin to think that the only reason they are being hired, for example, is because of their color and not because of their intrinsic qualities. This is a matter of extreme, private disgust among a number of black and minority scholars who have gotten where they are by virtue of their own achievements and qualities. I must say that if I were black and a scholar, I would share that disgust.

A: Let's take on the issue of quotas or preferential treatment in student admissions. What is the difference in principle between lowering the cutoff line on the SAT scores of a minority college applicant and, say, adding ten points to a veteran's score on a Civil Service Exam? Each is rendered as a counteracting of a previous condition.

S: I haven't given enough thought to this question of admissions policies except in the more grievous instances and the grossest contrivances. When you are dealing with a minor, fractional form of discrimination, I suppose an argument can be made that it is going to have some good consequences. It seems to me that the basic rule in all of this is to think about what the consequences are going to be of practicing things of this sort.

But you have to be careful that in 'weighting' your standards you aren't also getting rid of them. There is a coincidence in time between admissions quotas, the assault on standards and tests, and a very powerful anti-intellectual movement which is really basing its conception of education upon spontaneity, intuition, and a kind of rap-session where the idea is the man. Edgar C. Friedenberg talks about 'real' education as being shared experience and that the main object of education is to establish a sense of community among students. Of course, if you go in that particular direction, you don't really need any kind of testing at all — other than of a person's ability to relate to a group, where you all sit around and contemplate your navel and think about things and so forth. Now it is unfair to wholly interpret the question you asked in these terms, except to see that in many schools it is already happening in a very powerful way.

Most of the energy that goes into this comes from non-minority, middle-class whites. If one argues, as some do, that these standards for admission and these internalized standards for evaluation in the university are devices to trap people into the system by emphasizing standards which are so-called 'middle-class standards,' then the conclusion is that you are inveigling them into a system that they shouldn't belong to. This is the kind of phony, underclass radicalism which would prevent minority students from acquiring the very competitive skills that they need to go out and live in the world. This is a very interesting kind of a problem.

You do need tests to see how people are going to be able to perform. For example, the law school test: one may object to it on the grounds that it is somehow invidious, but it has been proved to be a very effective predictor not only of how a student is going to do in law school but also how he is going to do when he gets out of law school. If you eliminate these tests, you then get back into the question I was talking about earlier, the psychic trauma when people get thrown into an institution where they cannot float. In that case the institution might lower its criteria to make it simpler so that it won't be so painful for these people. Or you may institutionalize double standards within the student body somehow, but only as they sort of unravel the whole fabric of academic standards. Society too, if you look at it from a different perspective, has always counted on the reasonable accuracy of the credentialing practices of schools, so that when you are getting somebody from a school, what he is known to have accomplished is an indicator of whether you want him. How do you evaluate somebody who hasn't been evaluated? In the more specialized fields, you want to know whether someone does or does not know chemistry or physics, or whether he is competent enough to be admitted to an engineering school, or having gotten out, whether a firm should employ him. The issue here is our confidence in a person who is moving into a very responsible position in the real world. If you wipe out these standards, who is to know what a doctor's degree really means? Who is to say whether this surgeon is any good?

A: Do you think that the performance of minority students who are admitted on a marginal basis to the university under affirmative action can in general be accelerated up to the level of their other classmates — say, by tutoring?

S: In general, this applies to everybody. It shouldn't be looked upon as a matter of minorities alone. California, for example, was one of the pioneers in the development of the junior college system. California's master plan has a triple-tiered arrangement: junior colleges, state colleges, and the university. In some of the better junior colleges — in California there are quite a number of them — they have been doing this kind of thing for a very long time for students who aspire to go on for a full four years of university education. In fact, one theory behind this has been that you can catch the people who are late maturers and late learners, put them through the paces, and at the end of a year or two they may be able to pass into the world of the university and do very well. It has been proven time and time again in California that the academic performance of junior college kids coming into universities is just about as good as those who were admitted at the beginning. This is something, however, that is made possible by a very intense dedication to teaching in these junior colleges, and I think this could be very greatly strengthened.

A: What do you think would be the long term effects of affirmative action — of the principle of inclusion — on student admissions, where we see an increase in open admissions policies or a greater breadth of admissions.

S: I am not in principle opposed to the idea of open admission. In practice, open admissions as in the New York City system has, in the real world, various disastrous consequences. State universities in the Midwest were the ones which I believe pioneered the notion of open admissions: namely, everybody certified with a high school credential got to come in. It has always been the case that there has been a very high dropout rate in the state institutions that practice it. Now when one expands into wider areas, subsidizing children of minority families, you get more people who can then actually afford to come in, so the mass of the student invasion is infinitely greater than it was twenty or thirty years ago. In New York City you get a salary if you are a qualified minority student. You get paid to go to college. An Italian is disqualified because he is not the right color. This economic favoritism is breeding vast ethnic discontents in the student bodies of New York universities. The other side of it, of course, is that the more one subsidizes the notion of mass education, the more difficult it is to sustain the idea of higher education. It's simply no longer education if the institution becomes trampled by an extraordinary number of people who are pushed reluctantly by their parents or by other incentives into the system. It has a demoralizing effect upon everyone concerned. The dropout rate in New York is absolutely phenomenal. And quite rightly

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so, because there are a lot of kids who come in and really don't want to do it.

A: What do you think will be the long term effects of affirmative action on the hiring and tenure granting procedures of university departments?

S: I tend to be optimistic in the sense that I cannot imagine that these practices will be uniformly institutionalized. Having said the generalization, let me qualify it. I think that there are certain types of institutions which are going to be very badly affected, where the principles of real professionalism are being modified to the point of being sabotaged. You are going to have people coming in to tenure positions who are going to be there for an awfully long time, and if there is one thing people don't like, they don't like competition. In choosing their own successors, they will choose people who will be equally mediocre so they are not threatened. This has always been a problem in any institution of higher learning. The improvement of American colleges and universities in the thirties, forties, and fifties was accomplished over the dead bodies of mediocre people. These institutions that are now going back to mediocrity in the guise of social justice are going to have some trouble. I would think some of the very best universities like Harvard, Columbia, and so forth are not going to be endangered by this. There, the internalized sense of excellence in scholarship is very strong. But that is not the case in a large number of other places. I am thinking, especially, of a number of new, state colleges.

A: Could or should the goals of affirmative action be reached by any other means besides quotas? What exactly should be done about affirmative action?

S: You can approach that question from two directions. The first direction is how all of this might benignly affect academic hiring practices. It may be true tha some university departments may have been too lax in their procedures of hiring, that they haven't cast their net broadly enough because they have been lazy — without attributing here any discriminatory motives. If an improvement may be seen in this sense, it ought to be incumbent upon departments to pay much more attention than some of them do to really going out and searching, rather than doing so routinely. That's one kind of thing. However, that isn't going to satisfy those people who are concerned about equality of results, because you might end up, for example, getting more Chinese in a mathematics department when what HEW calls for is more blacks. If you are looking for sociological equality of results, this is an entirely different matter.

The whole business occurs at a time when there is a kind of generalized assault upon the merit principle, so what we are talking about is not something that is a matter of higher education, but goes into the whole institutional life of the country. Some people begin to play games with institutions that have lost a sense of their authentic and special role. And that is not something that the university alone is afflicted by. As I said earlier, we are passing through a very strange period in American history and you never know when these things terminate, and also — this is another thing that troubles me sometimes — you don't know what the reactive backlash might be when people have had enough. The terrible risk is that we might return to practices that would make the post-Reconstruction period appear to be a paradise. This, I think, is something that some of the enthusiasts should pay attention to, because an excess of their particular virtues can breed a mighty powerful reaction. And I see some signs that this is already happening. □

Neil Howe

The Progress of a Bad Idea

All of the letters reprinted in this article are authentic. Most of these were made available through the generous cooperation of the University Centers for Rational Alternatives.

Direct quotations from Stanley Pottinger are taken from (1) a speech to the National Association of College and University Attorneys (Honolulu; June 30, 1972), and (2) an article "The Drive Toward Equality" in Change *(October 1972).*

Graduate students, faculty members, or anyone else interested in the debate over campus "affirmative action" programs may want to write to the University Centers for Rational Alternatives, 110 West 40th Street, New York, N.Y. 10018, or subscribe to their newsletter, Measure. *They can also join the Committee on Nondiscrimination (444 Park Ave. S., New York, N.Y. 10016) which has been expressly organized to combat all forms of reverse discrimination and the associated dislocation of academic integrity.*

The quota system as it is now being implemented at universities — under HEW's euphemistic guise, "affirmative action" — is a spectacular failure for the civil rights movement and an awesome tragedy for the university. With matchless zeal, affirmative action is attempting to foster what is best for both, and in fact its advocates claim that the fair treatment of minorities and the well-being of academia is its only reason for existence. But as transcendentalized law or legally enforced moral crusading is wont to do, affirmative action betrays and finally defeats its own purposes. With its history of unwisely mixed idealism, enthusiasm, and governmental authority, its effect has been a familiar one: not only does it tend to destroy precisely what it tries to protect, but it totally destroys what it is most thoroughly successful in protecting.

"Affirmative action" is a quota system, and a quota system requires an institution to treat an individual not on the basis of his effectiveness or merit, but on the basis of any group characteristic, from race to age to economic background to the first letter of a last name, that is not subject to individual choice. Contrary to the age-old auspices of "equal opportunity" under which it was introduced, the net effect of the affirmative action quota system has been to popularize and institutionalize an unprecedented relationship (or lack of one) between opportunity and reward. Should present trends continue, future generations may look back on the affirmative action years, a most peculiar aftermath of the civil rights movement, as a period when our society began to discard "equality of opportunity" for what David Bell has called "equality of result" (*The Public Interest*, Fall 1972). According to Bell: "What is extraordinary about this change is that, without public debate, an entirely new principle of rights has been introduced into the polity. In the nature of the practice, *the principle has changed from discrimination to 'representation.'* Women, blacks, and Chicanos now are to be employed, as a matter of right, in proportion to their number, and the principle of professional qualification or individual achievement is subordinated to the new ascriptive principle of corporate identity."

A Background

If the quota "principle" of affirmative action seems to have sprung up suddenly and surreptitiously among us, it is because the ideology of affirmative action has had years to grow without our realizing that any "principle" was involved. During the early sixties, at the zenith of the civil rights movement, "affirmative action" seemed to be nothing more than a political slogan. President Kennedy, who coined the phrase in 1961, used it as a vague exhortation — to the effect that Congress and the Executive force states to take "affirmative action" against civil and economic injustices suffered by minorities. In 1962 and 1963, it found its way into a number of minor executive orders, but its function was always more symbolic than legal. The word "affirmative" suggested strength and moral certitude, "action" suggested vigor and perhaps a touch of crusading ardor. In short, the words were simply a rhetorical strategem that could evoke all the grander idealism we now associate with the Kennedy era. In only one way did the early slogan prefigure the later "principle": "affirmative action," as Kennedy envisioned it, implied that the federal government should, by seizing a certain moral prerogative, override the parochial standards of slower, less activist institutions. This remains a characteristic of affirmative action today.

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Early in the Johnson Administration, the idea assumed crude legal shape. Congress began to give serious attention to "affirmative action" legislation when it was proposed as part of the Civil Rights Act. As it was finally passed in 1964 the Act included no mention of "affirmative action," but legislative blueprints under that name continued to be discussed as enforcement tactics. Affirmative action, according to its advocates, would allow overall racial proportions to be used as "lawful" evidence, and thus provide federal authorities swift means of circumventing individual court cases in forcing employers to abandon discrimination.

These proposals were at least partially realized. On September 24, 1965, President Johnson signed Executive Order 11246, and affirmative action, with its unprecedented "quota" approach to fairness in hiring, was made effective law for all institutions and corporations receiving federal funds. Newspaper editorials lauded Title VII together with affirmative action as a "law with a conscience," as civil rights transformed into "the law of the land." To the movement, the purpose of an ideology had been realized, and the goals of a crusade had become enforceable edict. Yet, despite the euphoria, the "principle" of affirmative action had still not been accepted. Everyone knew that a quota system — no matter how carefully administered — distorted the justice of fair employment at an individual level. Proponents insisted that racial proportions were only to be an indicator of possible discrimination, that individual "equal opportunity" was still their paramount goal, and that, in sum, affirmative action was only a particular means to a general end.

Ever since 1965, this distinction between means and ends has been evaporating. Once specific programs had been developed by the Department of Labor and HEW, and a wide variety of contracting institutions had succumbed, complaints were raised against the surprising stringency of affirmative action's statistical demands. Industries employing unskilled or semi-skilled workers were made to comply first. Later, federal authorities devised means of including within their executive domain higher-skilled and professional employees. By 1969-1970, university faculties were being ordered to comply; and it was here, in appointments to highly qualified positions, that the insensitive mandate of quotas committed its most glaring injustices. From all sectors of the business, professional, and academic communities there soon arose serious and embittered criticism.

In the most recent policies of the Department of Labor and HEW, and in their response to such criticism, we are finally witnessing the emergence of what Bell has accurately identified as the "principle" of affirmative action quotas. "Affirmative action" is coming to be defended and enforced by its executors as a philosophy in its own right: not so much as a means to an end, but as an end in itself, necessary not because it best insures non-discrimination and the primacy of merit, but because it is thought overt discrimination is the only way a society can achieve true equality. Formal homage is still commonly given to "merit" and "qualification" and "excellence," but these are becoming bare vestiges of a bygone era. It is for this reason, it is because individual merit is being rescinded by group privilege, that the issue of quotas has such profound significance. The question is especially critical for the future of the universities, whose worth to our society and to civilization has been sustained — throughout history — by an almost religious insistence upon merit, equal opportunity, and the very highest levels of professional excellence.

What is Affirmative Action?

As they wended their tortuous path from slogan to law, the words "affirmative action" attached themselves to all sorts of notions vaguely associated with civil rights. Only now have they assumed a definite, almost doctrinal shape. *In general an affirmative action program has come to mean any timetable by which an institution modifies its entrance procedures and requirements so that its membership will include certain predertermined proportions (most frequently, equal to proportions in the general population) of "recognized" racial, ethnic, or sexual categories.* Some institutions (e.g. churches and schools) may follow such programs voluntarily. Institutions which *employ* members are liable to have such a program forced on them by federal law. Private businesses, though long exempt from anything but "non-discrimination," lately seem vulnerable to affirmative action quotas administered by the EEOC (viz. the AT&T case; May 1972) under the questionable authority of Title VII of the Civil Rights Act. In businesses holding federal contracts, such programs are enforced by the Department of Labor's Office of Contract Compliance under the aegis of Executive Order 11246. In universities holding federal contracts or grants, where affirmative action has had such extreme and notorious consequences, they are enforced by HEW and HEW's Office for Civil Rights.

From a legal standpoint, the case of the university is somewhat unique since universities are not covered by any part of the 1964 Civil Rights Act. Title VI prohibits discrimination associated with all government contracts and programs *except* where employment is concerned. Title VII prohibits discrimination among employers *except* where educational institutions are concerned. Ironically, this may have allowed affirmative action quotas to be wielded more openly against the university than against any other federal contractor, since Title VII specifically prohibits enforced quotas as a means to eliminate discrimination. Professor Paul Seabury (*Commentary*, Correspondence, May 1972) has concluded that the "Executive Orders in the name of Affirmative Action clearly contradict the letter and the spirit of the Civil Rights Act as well as the intentions of its sponsors. Universities are being compelled to do what the Act forbids employers to do." In June of 1972, President Nixon signed an amendment to the Civil Rights Act which now includes universities under Title VII. But this has probably come too late, judging from the most recent interpretations of Title VII, to have much effect on HEW's policies.

"Affirmative Action" as it is defined in Johnson's Executive Order — and this cannot be over-emphasized — is essentially and explicitly different from simple "Non-discrimination." The latter is defined as the requirement that "*no* person may be denied employment or related benefits on the grounds of..." etc. But "affirmative action," according to the text of the Order, is a different "concept." It "requires the employer to do more than ensure employment neutrality with regard to race, color, religion, sex, and national origin. As the phrase implies, affirmative action requires the employer to make additional efforts to recruit, employ, and promote qualified members of groups formerly excluded, *even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer...* (so that) employment practices will not perpetuate the *status quo ante* indefinitely."

Once the implication of the italicized clause is accepted, that universities cannot rid themselves of discrimination because they cannot even identify it (invisibility, alas, is the very nature of "cultural" and "institutional" discrimination), and once it is decided that discrimination must be eliminated, then an external quota system is inevitable. The original argument of the civil rights movement was that fair judgment of merit will eventually lead to proportional representation. Now, the argument has been reversed. Premises have been replaced by conclusions, means by ends. The backward reasoning of "affirmative action" is that proportional representation will somehow guarantee fair judgment of merit. This reversal is the *sine qua non* of the affirmative action "principle," and means that the rule of group representation has now superseded, as a basic, institutional necessity, the rule of individual

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worth. Late in 1972, the Office for Civil Rights reached what may be a portentous decision: it declared it will no longer consider individual cases of discrimination (these will now go to the EEOC), but instead will concentrate only on "patterns of discrimination" (i. e. quotas). Justice *qua* individual, once the legitimate concern of civil rights activists, is no longer worthy of OCR's resources. These it will now spend diligently to ensure justice *qua* group — an effort, not many years ago, considered racist.

Great American Series

"He said he was against it."

On being asked what a clergyman preaching on sin had said.

Calvin Coolidge

In practice, affirmative action programs are supervised and enforced by OCR's ten regional offices in all universities receiving over $10,000 in federal funds. The programs are drawn up individually with each institution, and are designed to rectify the employment practices of any academic department "having fewer minorities or women in a particular job classification than would reasonably be expected by their availability (Revised Labor Dept. Order 4)." Complete records of the current racial and sexual composition of university employees, both academic and non-academic, and specific affirmative action "timetables" and "goals" showing "planned" and "attained" progress toward an "acceptable" composition are compiled by the university administration and sent to OCR. After reviewing them, OCR can either accept or reject all or any part of the program.

The procedures alone have had their difficulties. Many university departments have found it demeaning and a breach of inviolate academic tradition that an outside organization should gain immediate access to confidential records. The University of California at Berkeley for months resisted disclosing some of the information that OCR demanded. It relented only after OCR made repetitious promises that such records would remain "secret" — and after OCR directly charged UCB with "non-compliance." State laws prohibiting employees from revealing or recording their race on institutional records (laws once thought to be "pro-civil rights") are yet another obstacle to OCR. Frequently, OCR must infer racial or ethnic origin from related data (e.g. "Spanish *sur-named* candidates"), or require members of a department to identify each other's race, or use what it calls a "visual survey."

The enforcement of any quota system is a relatively simple matter, and the enforcement of affirmative action is no exception. From the outset, OCR has a rough idea what "guidelines" it considers "acceptable." If the written affirmative action program proposed by a university is not sufficiently extensive, extreme, or specific, OCR can reject it again and again any number of times until federal officers are satisfied that the university is acting in "good faith." If the university refuses or is slow to comply with its own guidelines, or if it denies access to its departmental records, OCR may, after a formal hearing, "cause to be cancelled, terminated, or suspended, any federal contract, or any portions thereof..." Because most major universities are 30 to 60 percent dependent upon federal funds, they are effectively at OCR's mercy.

It is of no use to argue that federal contracts or grants may involve only one specific area of the university (usually research in the sciences). Executive Order 11246 includes the proviso that *all* employment in the contractor's institution must comply. HEW's attempts to justify affirmative action as a legitimate prerogative of federal government and executive mandate has led to a number of *faux pas*. Elliott Richardson, until recently Secretary of HEW, for instance, defended affirmative action by claiming that it is government's "vital interest" to assure "the largest possible pool of qualified manpower for its projects." This led professor Seabury to respond in *Commentary* (May 1972): "Does HEW now regard universities as federal projects? If so, how far down the road of government control have we come?"

OCR's "New Speak"

The Office for Civil Rights, like any bureaucracy possessing great powers and questionable motives, has difficulty explaining clearly how its programs work. "Guidelines" and "regulations," though offered in great abundance, are as deliberately vague and enigmatic as the smoke and fire of a mysterious oracle. Contradictions are replaced by confusion. *"Affirmative action," according to OCR, is an "agreement between the Office for Civil Rights and the university" that departments shall "make an effort" in "sincere and good faith" to fulfill certain "goals" with respect to minority employment.* For the sake of clarity alone, the smoke ought to be cleared from such innocuous phraseology.

First, for the words "agreement between" ought to be substituted the words "command by" OCR. It is ludicrous to call the result of arbitration between two institutions, one of whom is invulnerable and carries life or death punitive power over the other, an "agreement." With the Supreme Court unwilling to rule on the matter and the most vocal university groups siding with OCR, university administrators can hardly regard their own compliance as voluntary. When OCR resorts to threats, universities genuinely fear for their own survival, for behind such threats are hair-trigger methods of sanction: after a thirty-day notice and without any specific charge of discrimination, HEW may begin procedures for suspension of funds. Protesting these arbitrary enforcement tactics, William J. McGill, president of Columbia University, claims that OCR is disregarding established precedents of labor regulation: "One of the greatest achievements of American law has been construction of the rules of orderly conflict between management and labor, embodied in our now classical concepts of labor law...We do not now have such formal procedures." (*Life*, Oct. 8, 1971)

Second, the words "make an effort" in "sincere and good faith" ought to be deleted entirely. HEW's Office for Civil Rights repeatedly emphasizes that a "good faith effort" is all that is necessary for university compliance (quite rightly, since qualified minority applicants may not be available in every instance), but just as emphatically OCR insists that "the best evidence of good faith is a good result." Stanley Pottinger, Director of OCR, offers the following ambiguous observation: "Good faith efforts remain the standard of compliance set by the Executive Order; goals remain as a barometer of good faith performance..." In practice, some large universities (e.g., The City University of New York and New Mexico State University) have been threatened with termination of funds even though they proved that they had done everything in their power to comply, and that OCR's hazy "guidelines" were at fault.

But what is more important, statements such as Pottinger's reveal either an appalling ignorance or a zealot's interpretation of the function of legal sanction. In theory and in ordinary practice, the purpose of law is to proscribe, regulate, and influence definable *acts* and tangible *procedures*. Pottinger is singularly intent on putting law to a quite different task: to inspiring *attitudes* of "good faith." Indeed, Pottinger seems surprised and embarrassed when asked to examine only the substantive effects of his office's "guidelines." In a June, 1972 speech, he declared: "I am convinced...that the spectre of lost autonomy and diminished quality among faculties is one which obscures the real objective of the law against discrimination." A law's consequences, he implies, should not be allowed to "obscure" the intentions of its maker. If — as some claim —OCR is attempting to bring about a "New Reformation" in civil rights, then Pottinger has encountered an old Calvinist dilemma: how to keep an absolute insistence on "good faith" without "good works" from degenerating into oppressive demands for "good works" with no real need for "good faith."

Third, "goals" or "guidelines" are only confusing synonyms for numerical quotas, and no one — either inside or outside HEW — has yet offered a reasonable explanation how a "goal" differs from a "quota." Professor Sidney Hook of the University Centers for Rational Alternatives has asked HEW the simplest of rhetorical questions: "What is the cognitive difference between saying (1) 'You are to aim at a quota of 20 percent redheads for your staff within two years,' and (2) 'You are to set as your *goal* recruitment of 20 percent redheads for your staff within two years'?" HEW's answer: "quotas" must be filled without fail, while "goals" are only an "indica-

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tion of good faith" — again, law is thrown back into the phantasmic realm of spiritual purity. As the bureaucracy sees it, goals are "reasonable" and "produce results," while quotas are "rigid," "exclusive," and "compel" employers to make unwise decisions. From such loaded language we can infer only one, very simple distinction: "goals" are quotas that HEW happens to approve and support. Professor Hook has concluded that the supposed clarification is nothing more than a "semantic evasion." Stanley Pottinger resolutely affirms that "the difference is not a matter of semantics." This, in sum, has been OCR's most positive statement on the issue.

But the reasoning ought to be set straight. OCR, obviously, cannot claim to represent the conscience or the inner wishes of the university. It is an outside, regulatory institution. Thus, good faith or bad faith, if the university is coerced into compliance, "goals" are quotas; if the university is not coerced in any way, "goals" are not even goals. They are nothing at all. OCR has chosen the path of coercion, in part to justify its own existence as an office that is "doing something" about civil rights, and to satisfy some groups (e.g. The Women's Equity Action League) who have already criticized the effectiveness of OCR because it has not to date *terminated* a university contract. On the other hand, OCR desperately wants people to understand that its role is to persuade universities to do what is right (by enlightening them with "guidelines" and "goals"), rather than to require rigid compliance (by enforcing quotas). The result is peculiar. OCR sometimes tries to convince, and sometimes makes outright threats, but it dreads the prospect of giving a simple order, of stating honestly what it in truth demands. President Spenser of Davidson College, after reams of exasperating correspondence with OCR, found he could never determine precisely what his local office wanted or under what authority it acted. He finally wrote: "If your 'request' is in reality an order, I would appreciate your stating this in clear and unequivocal terms. If Davidson College is being ordered to report to you, I would also appreciate your citing to me that... law which gives HEW the authority to issue orders to any college..." And in still later correspondence: "Your letter does not respond to this essential question. Are you or are you not ordering Davidson College to submit the... report...? I do not believe I can state the question more clearly or directly." Reading the full text of this correspondence, one suspects that OCR, more interested in repentance than compliance, would almost prefer the manifest guilt of an obstreperous refusal to a dispassionate willingness-to-obey-if-ordered. President Spenser, incidentally, has yet to receive another answer.

The Ideal Quota

The Office for Civil Rights never itself proposes standards for university hiring; it simply accepts or rejects whatever programs are offered by campus administrations. There are very good reasons why HEW follows such a policy. It absolves OCR of guilt, and rests the responsibility for quotas on university policy rather than on OCR's interpretation of federal law. OCR does not dare issue specific figures and face unified resistance among universities. It is easier to couch its directives in vague and indeterminate language, and then watch the radical, liberal, and conservative members of each campus fight it out among themselves. Whenever it appears to OCR that the wrong side has won at the university level, it can always use its power of veto.

For this reason, it is difficult to know just what HEW considers "reasonable" when it insists that universities hire as many minorities as "would reasonably be expected by their availability." Each regional OCR office has its own fluctuating whims and fancies. Moreover, campuses with particularly radical faculties frequently go beyond anything

OCR might require. Only from their record of rejections can we extrapolate the operational principles toward which OCR is headed.

The most extreme and far-reaching of these principles is the following requirement: *that the proportions of racial and sexual categories of faculty members to the faculty as a whole be made identical — eventually — to the proportions of racial and sexual categories in the population as a whole.* Now, the speed with which HEW is forcing universities to realize this final "proportion-to-population" rule varies from campus to campus. Ultimatums are not, as yet, being issued. But there are exceptions, and in the West, regional OCR pressure seems particularly intense. Late in 1971, San Francisco State College, responding — at least in part — to OCR's persuasion, called for "an employee balance which in ethnic and male/female groups, approximates that of the general population of the Bay Area from which we recruit." Sacramento State recently sent out letters which read: "Sacramento State College is currently engaged in an Affirmative Action Program, the goal of which is to recruit, hire, and promote ethnic and women candidates until they comprise the same proportion of the faculty as they do of the general population."

More frequently, regional OCR offices are constrained to soften their approach. The "proportion-to-population" rule still applies to racial minorities, but for women, they will allow a principle somewhat less extreme: *that the proportion of women faculty members to the entire faculty be identical to the proportion of women applicants to applicants of both sexes.* The rationale for this divergent standard seems to be based on practical considerations alone. Even some OCR offices evidently thought it unfeasible to demand an across-the-board female plurality of faculty members — *in toto* and in each department — since women do in fact slightly outnumber men in the population at large. The "proportion-to-applicant" rule, because it is less extreme, is all the more strictly enforced, and many universities are being held in a quasi-probationary status until they accept it. The University of Michigan, for example, whose proposed affirmative action programs were repeatedly rejected throughout 1971 for indefinite and inadequate "numerical goals and timetables," was told by the local OCR office that it must "achieve a ratio of female employment at least equivalent to their ability as evidenced by applications for employment" — that is, to the *number* of female applicants. A timetable for this "achievement" was required immediately.

There are endless variations in OCR's standards. A department of one midwestern university was recently charged with discrimination in its Ph.D. program simply because only one minority student enrolled out of over 100 applicants. Although nineteen minority students had actually been offered positions, OCR never mentioned that fact in its report. In March 1971, a similar charge was levelled against the University of Oregon on similar grounds: that only one minority candidate *enrolled* out of several minority applicants. Faculty hiring at Brown University offers still another innovative interpretation of "good faith" employment practices. Brown administrators, after having their first program rejected, proposed in December 1970 to make the proportions of minorities in their faculty the same as the proportions of "*available members of such groups in the labor forces.*" OCR accepted this plan, and a new rule — "proportion-to-labor force" — might have been born, had not OCR's regional office changed its mind one year later when it claimed that Brown's discriminatory problem was too "deep" for such a plan to work.

The Question of Merit

While officials at OCR are poring over columns of statistics and debating among themselves — presumably — which group quotas shall best ensure group justice, chairmen of university departments are facing the peculiar difficulty of trying to comply with their campus' racial and sexual timetables while maintaining the academic quality of their departments. On the one hand, they want to avoid endangering the financial status of the university and incurring the wrath of the more radical

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students, administrators, and faculty members. On the other hand, they feel an obligation to award candidates solely on the basis of merit. The ideal solution, of course, is to find enough candidates who are both women or "minority group persons" *and* who are well-qualified (or at least not utterly unqualified). Not surprisingly, this is a solution that academic departments are now spending a great deal of time and energy pursuing. One of OCR's adamant demands is that departments make "vigorous and systematic efforts to locate and encourage the candidacy of qualified women and minorities." Such a demand was never necessary. Departmental chairmen know very well this is the only way they can successfully survive the "system."

The resulting academic recruitment policies must be puzzling to candidates of any race or sex who have grown up with old-fashioned notions about civil rights and academic liberalism.

Letters on campus bulletin boards now read:

"The Department of Philosophy at the University of Washington is seeking qualified women and minority candidates for faculty positions at all levels beginning Fall Quarter 1973...."

"We desire to appoint a Black or Chicano, preferably female..."

"Preference will be given to women and minority group candidates in filling this position if candidates of equal quality are identified."

"Dear Sir: The Department of Economics at Chico State is now just entering the job market actively to recruit economists for the next academic year...Chico State College is also an affirmative action institution with respect to both American minority groups and women. Our doctoral requirements for faculty will be waived for candidates who qualify under the affirmative action criteria."

Letters between departments now read:

"Dear Colleague: Claremont Men's College has a vacancy in its...Department as a result of retirement. We desire to appoint a black or Chicano, preferably female..."

"I should very much appreciate it if you could indicate which of your 1972 candidates are either Negro or Mexican American."

"Dear...: We are looking for female... and members of minority groups. As you know, Northwestern along with a lot of other universities is under some pressure...to hire women, Chicanos, etc...."

"Your prompt response to my letter of May 12 with four candidates, all of whom seem qualified for our vacancy, is greatly appreciated. Since there is no indication that any of them belong to one of the minority groups listed, I will be unable to contact them...."

"I would greatly appreciate your drawing to my attention your Ph.D. students who are in those categories..."

With every university trying to fulfill its quota, the current competition between academic departments for minority or women candidates has reached a fever pitch of intensity. According to the simple law of supply and demand, departments must now offer a significantly higher salary to a minority candidate than to a similarly qualified non-minority candidate — if they want to keep him (or her). In most instances, departments consider this a small price to pay for a solution to the quota system dilemma. Contrary to OCR's charges that black candidates are being denied placement due to discrimination, the situation has now grown so lopsided that, according to the *AAUP Bulletin* (March 1972), "Harvard and comparable institutions have been warned against raiding black colleges."

"Good works" are the only reliable measure of "good faith," and fulfilled quotas are the only certain means of satisfying OCR's demands. If a department cannot fulfill its quota with what it feels are qualified candidates, pleas to the university and to OCR that it has made superhuman efforts to recruit such candidates will rarely be of much avail. At this stage, a new category is pulled out of OCR's cryptic lexicon: the category of the "qualifiable" candidate. "Qualifiable" is a word OCR uses repeatedly in its correspondence with universities. Quite simply, it describes a group of candidates whom the department does not presently regard as qualified, but who had better be qualified soon if the department wants to prove it is "serious" about affirmative action. And once "qualifiable" candidates perforce become "qualified," OCR pulls another deft, syntactical maneuver by gracelessly demanding that all departments "hire and promote *qualified* women and minorities." The language of this order particularly distresses departmental chairmen who know that to survive and excell departments must look for something quite different: namely the *most* qualified candidate of any race or sex. But "most" or "best" are adverbs rarely used by OCR in conjunction with "qualified," and even "qualified" itself has a habit of slipping away from the words "minorities and women."

"Qualification," as interpreted by the universities is an obstacle that OCR is trying to remove from the path of affirmative action. OCR has ruled, for instance, that unless the department can prove that the qualification is necessary, any qualification "which tends to discriminate according to race and sex"

(continued on page 28)

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Paul H. Weaver

The Public Discourse

The Importance of Lyndon Johnson

Americans have always been ambivalent about their political leaders. Privately, most of us have strong personal feelings of respect or admiration for our presidents. But when we speak of them in public, we usually do so in a spirit of polite skepticism tinged by petty suspicion — as long as they are in office. Once they retire or die, however, we are more generous, and nearly every president is eventually remembered as a hero, or anyway an agreeable guy, of greater or lesser magnitude. These tensions in our attitude toward public men are healthy in a democracy, and over the years they have served us well. They have sustained the citizenry in a condition of neither total politicization nor total indifference; they have helped to assure public officials of enough authority to govern effectively but not enough to do so tyrannically; and they have deterred our presidents from entertaining an excessively exalted notion of themselves while still preserving an incentive for them to behave themselves in office by holding out the promise of eventual fame and vindication if they are good — or infamy and everlasting disgrace if they are bad.

At some point during the mid-1960s, this balanced view of presidents went into eclipse, and our public discussion of public men entered a long night of rancor, bellicosity, and general beastliness. Instead of ignoring our leaders most of the time, we became obsessed with them: instead of criticizing them, we began to revile and slander them; and instead of trying simply to vote them out of office when we found their performance unsatisfactory, we began to want to annihilate them, to drive them from public life in humiliation and disgrace by means of collective tantrum. This of course is how Lyndon Johnson's presidency ended, and when Richard Nixon assumed office not a few perpetrators of the public discourse began working to contrive a similar fate for him.

The problem with this beastly attitude toward public figures is not only that it is unjust to the mostly decent, mostly able men who make their careers in politics, or that it deters even better people from entering public life. The greater problem is that it confuses and distorts our general picture of what is going on in government, that this confusion makes it hard for us to understand the drift of events, and that our resulting misunderstanding of current affairs inexorably reduces our ability to manage them. Now there are those who argue that such a derangement of democratic government is a good thing, on the theory that the worse matters get in the short run, the better we may hope they will eventually become over the long run through revolution or some other sort of radical change. But for those of us who try to live in the real world most of the time, the truth is that the worse things get, the worse things in fact are, period.

Happily, current indications are that the tide of beastliness has begun to recede and that our tradition of skeptical civility is slowly being recovered. It is not only that we hear less talk these days about America being the "cancer" of the human race, or that the effort to drive Nixon from office failed so spectacularly. The central sign of a turnabout in the national disposition toward presidents is to be found in our reaction to the recent death of Lyndon Johnson. Just four years after this extraordinary president was hounded out of office by the most venomous campaign of slander and abuse this country has experienced in a century, the news of his death occasioned a spontaneous and obviously genuine outpouring of respect, affection, and regret. Our public eulogies of the man, and the private thought they evoked, were not purely formulaic, as had often seemed the case with Harry Truman a month earlier, and they came from people who had bitterly opposed LBJ as well as from his die-hard supporters. Within days of the funeral, senators were opposing budget cuts in his name. There were press reports of plans to rehabilitate the memory of this man who had become an unperson in his party, and to install him next to Jefferson, Jackson, Wilson, and Roosevelt in the pantheon of Democratic greats. One had a feeling not only that a great if imperfect president had died (and who is ever perfect?), but also that we had all been unjust to him during his lifetime, and now knew it, and wanted somehow to make amends — in itself a good omen for the prospects of civility.

And so we have proceeded to make amends in the only way we can, by being generous in our assessment of Lyndon Johnson's "place in history" and in our institutionalized collective affections. He was "larger than life," we have begun to tell ourselves, a man of heroic dimensions — immensely energetic, ceaselessly in motion, insatiable in his appetite for using the powers of government to help people, insatiable also in his desire for personal power and affection, endlessly ruthless and fabulously charming, brimming with strengths and flawed by their excesses, in sum, a veritable Paul Bunyan of American politics and statecraft. We have also begun to note the equally monumental legislative accomplishments of his presidency — the civil rights laws he proposed and pushed through Congress, the war on poverty, the housing legislation, the extraordinary period of economic boom, and all the other parts of his Great Society. We have not ignored his "failures," of course, and note has been duly made of the Vietnam war, the credibility gap, and his self-confessed failure as a "communicator" and "moral leader." Yet now that the war is over and another president is in the White House, these "faults" do not seem so glaring, and we seem ready to remember him as an American president of importance and stature, the Heroic Domestic Legislator.

If so, I believe that Lyndon Johnson will be remembered for the wrong reasons and appreciated in the wrong degree. To be sure, some elements of this emerging legend will not last and can simply be ignored. Our recollection of the heroic scale of the man will quickly fade; in twenty years, nobody will care that we found him "larger than life," or even know what we meant by this. Concerning his "failure" in Vietnam, it is certain only that he will be remembered as a president who faithfully executed and tried to sustain established American foreign policy; as for whether this will be counted in his favor or the reverse, future events alone will tell. But it does seem likely that the remainder of his current reputation — as a great domestic legislator and abysmal moral leader — will persist, and it is to this aspect of the emerging Johnson legend that I would take exception.

Now it is of course quite true that Johnson proposed and managed to have enacted a great deal of social legislation. And if what we mean by "great legislative accomplishment" is simply the passing of a lot of laws, then Johnson was a great legislator indeed. But this is like saying that a person who fiddles twenty-four hours a day is, by virtue of the sheer magnitude of his fiddling, a great violinist. Clearly this won't do: in music — and in government — the quality of the performance is crucial. And on this score, even Johnson's White House aides now admit that most of their legislative program was hastily

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conceived and badly crafted, designed more to win headlines than to accomplish practical social objectives. Within years of their enactment, many of the programs of Johnson's Great Society had rudely disappointed the expectations they had aroused, and some were utter failures by any standard — in spite of the ever-increasing appropriations they received under the first four years of the Nixon Administration. It now seems that a few of these programs may be terminated if President Nixon has his way, but bureaucracy and politics being what they are, most will persist — and grow — indefinitely. Survival, however, is not to be confused with success; and even many of these programs' strongest supporters have long since ceased to believe in their efficacy. So to judge from the quality of his works, Lyndon Johnson was emphatically not a great legislator; on the contrary, he may well have been the most inept and irresponsible legislative architect in our century.

It was rather as a moral leader that President Johnson excelled. By "moral leader" I do not mean, as do most of those who use the term today, a president who presents himself, and is accepted, as a saint rather than as a politician and who makes a specialty of intoning conventional liberal pieties. Such a person is not a leade. but a follower, and as Machiavelli showed, any statesman whose practice is sincerely wedded to any set of pieties is, in the end, the opposite of moral. A moral leader is just that: a person who, through his own efforts, brings about a substantial change in what his society takes to be its higher political purposes and standards. The bigger and more enduring and more admirable the change, the greater the act of moral leadership.

During his five years as president, Lyndon Johnson brought about the most fundamental change in our established public pieties and opinions since Andrew Jackson. By word and by deed, through the force of his avuncular personality and the appeal of his compassion, and, yes, by his cunning, ruthlessness, opportunism, and deceit — since these too are elements of moral leadership — Lyndon Johnson established as the first principle of domestic legislation and as the central piety of our public discourse the ideal of improving and equalizing the structure of opportunity in American society. To be sure, he did not invent this idea; it had been in circulation for decades, and other presidents had adapted and borrowed from it. But before Johnson's presidency, governmental concern with opportunity had been adventitious in inspiration: Wilson, for instance, advocated reforms as a means of restoring an earlier order recently disturbed by industrialization; FDR defined the New Deal as a means of responding to a catastrophic economic crisis. Under Johnson, by contrast, the principle of improving the stucture of opportunity was advanced for its own sake, as a good in itself, and as a priority in its own right. And with astonishing rapidity, this principle was accepted — in principle — throughout American society. Previously urged only by specialized minorities, this ideal, under Johnson's aegis, was embraced by Repubicans as well as Democrats, conservatives as well as liberals and radicals. It is now the touchstone of our current national political orthodoxy in this new era of social policy.

But however great his accomplishments, Lyndon Johnson did not settle everything. If his legislative program was important primarily as a series of eloquent symbolic gestures in behalf of his compelling — and classically American — conception of governmental purpose, it also embodied a distinctive and not so classically American theory of opportunity and of government's role in equalizing it, that of arbitrarily conferring special benefits and privileges in endless profusion by means of quotas, subsidies, regulations, and the like. Not only is this particular approach hotly — and in my opinion rightly — disputed these days, but it also appears to have failed. So we now find ourselves awaiting some better strategy for pursuing the Johnsonian goal. Inasmuch as the national commitment to that goal does not seem to have weakened, the candidate or party that can invent, and then dedicate itself to, a workable and morally acceptable strategy for reforming the American opportunity structure will almost certainly inherit the moral authority, and perhaps also the electoral power, of Lyndon Johnson as these were when he first mobilized public opinion in behalf of equal opportunity in 1964 and 1965. When that happens, we will have a new, or at any rate a reconstructed, majority party. We can expect, or at least hope, that the tide of beastliness will have receded much farther. And perhaps then we will be able to recall Lyndon Johnson for what he was: human, to be sure; slipshod and often misguided as a legislator, alas; but a moral leader of the first rank, and the author of the most fundamental political redefinition of America since 1828. □

George Swan

Racial Segregation and the Northern University

DeFunis v. Odegaard *is on appeal before the Washington Supreme Court. The case was argued on May 15, 1972, and according to Assistant Deputy-Clerk Shriver in Olympia, the justices are still deliberating. — Ed.*

An October 18, 1971 court decision on appeal during 1972, *DeFunis v. Odegaard*, is one which may prove to have a measurable impact upon higher education. In the *DeFunis* case, dealing with racial discrimination in law school entry, the trial judge was to find: "It seems to me that the law school here wished to achieve greater minority representation and in accomplishing this gave preference to the members of some races. . . . Some minority students were admitted whose college grades and aptitude test scores were so low that had they been whites their applications would have been summarily denied." The court therefore held: "The (non-minority member) plaintiff and others in this group, have not in my opinion been accorded the equal protection of the law guaranteed by the Fourteenth Amendment."[1]

The seeming double standard described above is found not only at one western law school, but also at universities as famous as, for example, Princeton or Cornell. At Princeton recently, "one admissions officer stated that every academically qualified black applicant for the class of 1975 was admitted — only about one out of every four such qualified white applicants was so lucky."[2] Cornell University "began in 1965 to bring in black students whose SAT scores averaged only 450 to 550." This was although among Cornell's students "the average scores are between 600 and 700."[3] Even were it to affect admissions polices alone, *DeFunis v. Odegaard* would hence seem to be of immediate interest to scholars and to campus administrators.

In the light of *DeFunis*, it is significant that there are nonacademic areas in which even more prominent institutions than the University of Washington have been overtly committed to still other modes of racial discrimination. This discrimination specifically has included segregated lounges, meeting rooms, houses, and dormitories. The more fashionable schools have been so engaged: e.g., Cornell, Columbia, Northwestern, and Notre Dame.

At Columbia University, a separate-but-equal dormitory lounge is administered by Columbia officials. This project was successfully promoted by the April 20, 1970 seizure of a R.O.T.C. office. Those members of the campus community who may or may not relax in this "Malcolm X Liberation Center" divide along racial lines: " 'The Liberation Center is open to all Black students, Black staff, and Black workers. The Center is also open to Black students and their guests. . . .A guest can be defined as someone who shares a common cuture, heritage, color consciousness and is a son or daughter of Africa. . . .' "[4]

Segregated dormitory facilities are likewise an established fact at the University of Notre Dame. "In the fall of 1969, the University, acting upon requests from a large number of black students on campus, instituted what became known

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as 'concentrations.' According to the provisions made at that time, large numbers (large, relative to existing conditions) of Blacks were to be allowed to live together in rooms set aside for that purpose. Two sections were set up each in Dillon and Alumni Halls."[5]

The students so racially concentrated had by late 1971 frankly asserted that: "The idea of this section is to build for the future. We would like to see an enlarged concentration. . . .We are trying to make certain accomplishments and have so many good plusses in our favor that not only incoming freshmen, but other blacks on campus would want to come to Dillon and be part of a living black society. This is our one goal."[6]

The Cornell University administration at one time "gave blacks a house for an Afro-American Center" and "set up a private dormitory for Negro coeds."[7] As early as 1968 it had been decided at Northwestern University that "separate sections of existing housing units" would be "reserved for black students." The Evanston university "also agreed to the demand for separate recreational facilities by providing special meeting rooms and lounges."[8] Ohio State University in Columbus offered travel and accommodation expenses to non-Caucasian students attending a December 6, 1971 "Visitation Day" promoting graduate school possibilities.

These post-1968 accommodations, lounges, dormitories, and houses are intriguing considering the spirit of the fair housing provisions of the Civil Rights Act of 1968, which read that: ". . .it shall be unlawful—

"(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination."

Indeed, separate-but-equal projects receiving federal financial help are vulnerable to the teeth of the Civil Rights Act of 1964, which orders that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

It is, of course, certain that these instances of segregation are superficially distinguishable from the George Wallace-style segregation that was tolerated in the District of Columbia, the South, and border states. This is because the blacks in question enjoy the options of either using or not using these segregated facilities, whereas in the deep South blacks had only the solitary "option" of non-usage. This does not logically distinguish the situations, however. It is now whites who are left with the sole "option" of non-usage of the accommodations in question.

It is true that the northern university administrations cited above have not enforced racial discrimination for the single-minded purpose of either white or black supremacy. Instead, racial segregation at fashionable northern schools has been avowedly imposed to recognize intangible considerations bearing on cultural differences between black and white students.

A draft agreement between Northwestern administrators and pro-segregation student organizations in 1968 was reported as recognizing that, "The idea of 'simply obliterating in our laws and in our personal relations the distinctions between races' does not come to grips with the real problems facing Northwestern. The university must give 'special recognition and special concern' to the black students. It is this idea of 'not equal but special' that dictates the specific plans detailed in the remainder of the document."[9] The black-only lounge at Columbia is one "which, the blacks claimed, was necessary in view of 'the racist nature of the American society.'"[10]

The ideas of black spokesmen at Notre Dame flow in a similar vein:

"The Notre Dame community is trying to reach a basic ideal, yet it is not being true to form as to what society really represents. Society separates itself in ethnic groups. Blacks live in black communities. The community here says we should all live together. Universities should show what the society in general is showing to everyone else who is not a member of that society. And we more or less band together, to help ourselves adjust to college life. The ideal of one homogeneous community is not an inappropriate ideal, but it is more or less a fantasy."[11]

Awkwardly for the parties involved, this sort of rationalized racial discrimination may be untenable, at least for state universities, even independently of the Civil Rights Acts. A 1950 Supreme Court decision turned upon the status of a black graduate student, Mr. G. W. McLaurin, at the University of Oklahoma. That university, acknowledging its academic duties, admitted McLaurin, but practiced segregation in non-academic situations. The Court found: "He is now assigned to a seat in the classroom in a row specified for colored students; he is

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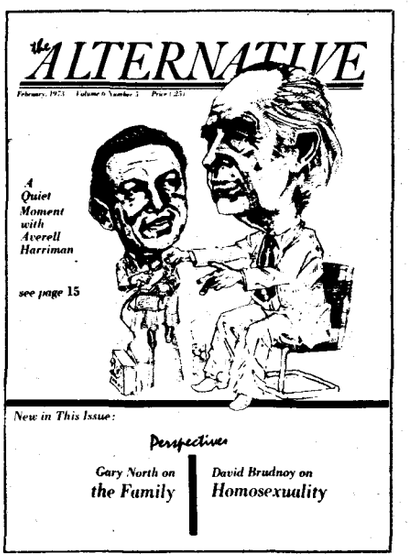

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assigned to a table in the library on the main floor; and he is permitted to eat at the same time as other students, although here again he is assigned to a special table. . .He may wait in line in the cafeteria and there stand and talk with his fellow students, but while he eats he must remain apart."

It is not surprising that the Court forbade this non-academic discrimination due to its outcome. "The result is that appellant is handicapped in his pursuit of effective graduate instruction. Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." *(McLaurin v. Oklahoma State Regents)*

In the historic *Brown* decision of 1954, Chief Justice Earl Warren approvingly cited the logic of *McLaurin*, saying that therein "the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations." Nor would such intangible considerations be restricted to older students and irrelevant to undergraduates, since Justice Warren added, "Such considerations apply with added force to children in grade and high school." *(Brown v. Board of Education)*

If the social practices of the huge white majority on the Oklahoma campus had to yield to integration so that justice be done a single black, it is correspondingly unlikely that the Court would allow a mere minority of students to repudiate integration. The Court might (with at least some consistency) hold that this would impair and inhibit the students' ability to engage in discussions and exchange views with not just one person, but with the whole majority. Ironically, the more eloquently that black students depict the richness and uniqueness of Afro-American culture, the more they demonstrate how segregation handicaps their white classmates by robbing the whites of a healthy, everyday exposure to that culture.

In fact, it has been observed that "Columbia's policy of selective apartheid could create legal problems for the University. An official from the Department of Health, Education, and Welfare has said that if the black lounge is found to be segregated, and if the issue is not resolved, Columbia will have violated the civil rights laws and could risk losing federal funds."[12] By November, 1971 Columbia's "failure to draft an acceptable equal-employment plan" led the U.S. Office for Civil Rights to notify the Ivy League school "that it could lose its present and future federal contract rights."[13] Such federal intervention regarding discrimination in accommodations is not inconceivable.

To the extent that civil rights law violations were to trigger the sanction of the cutting-off of federal funding, Columbia's future could become precarious. Approximately 50 percent of the money at Columbia comes from Washington;[14] as does some 65 percent of the funds at Princeton.[15] Even the "private" campuses' addiction to tax money may be permanent. "As early as 1967, the federal government was annually disbursing contract funds to universities at the rate of 3½ billion dollars a year; recently the Carnegie Commission suggested that federal contract funding be increased by 1978 to thirteen billion dollars if universities are to meet their educational objectives."[16] As early as fiscal year 1967, Columbia University[17] and Princeton University[18] averaged over $10,623,000 apiece in defense contracts alone.

Experience in the South shows that a case-by-case attack on segregation based on a Supreme Court ruling (e.g. on *DeFunis)* is exhausting, if not impossible. The universities probably have little to fear from private individuals desiring integration. Nevertheless, the campuses are highly vulnerable to federal pressures. Indeed, it seems a matter of elementary prudence, if not of survival itself, for college administrators in question not to wantonly question the humanity of federal policy makers.

Apparently mindful of Washington's power, the University of Pennsylvania in April, 1972 replied to a black student proposal for a segregated on-campus living and counseling project with an artfully phrased approval. Penn so carefully chose its words as to have endorsed a study and residence program "in terms that could result in its being all black in fact" even while "whites are not *formally* excluded."[19] (emphasis added) A news story on the project at Penn reported that "Because the concept of the program and the content of its remedial counseling and teaching will be directed exclusively to black issues and identities, campus observers believe there is little chance that a white student would apply for admission."[20]

Whether or not Penn evades campus integration, Americans might well ask how valid the logic of Penn's stand is. Would Washington be complacent, for example, if Governor Wallace were to personally persuade the University of Alabama to establish residence and study projects (with remedial counseling and teaching) aimed exclusively toward white, Anglo-Saxon "issues and identities"? Would many decent persons remain complacent were it an open secret that such a white, Anglo-Saxon orientation had deliberately been chosen to avoid the presence of Afro-Americans?

Any logical distinction between the Penn decision and the hypothetical Alabama project should be carefully articulated if our nation's laws are ever to be enforced equally upon North and South, black and white. Special-standard admissions policies, unilateral housing segregation, and similar approaches may arguably be defensible in some contexts. Yet if the criterion for any special treatment is to be poverty and/or membership in a cultural minority it might be difficult to deny these privileges to, say, poor Southern whites. If the criterion is to be skin color, it will be difficult to reconcile this with the Constitution, with *Brown v. Board of Educaion*, or with our civil rights laws.

Educators could attempt to frame a coherent policy concerning what, if any, segregation will be nourished in their universities, and what methods could be implemented to circumvent civil rights laws. Were educators to do so, current university practices might be no more (il) legal or (un)just, but would at least be far less hypocritical. But there is no reason to think that such a forthright stand is in the offing. Sporadic *DeFunis*-type suits may long be parried with Penn-like finesse. If so, scholars in our nation's finest universities will be passively prolonging our country's racial agonies by failing (again) to face up to genuine racial questions concerning their own house. □

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Commentary

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Dr. George Washington Plunkitt, our prize-winning political analyst, is celebrating the publication of his new book, which is now available at *avant-garde* bookstores throughout New Jersey. Dr. Plunkitt's book is about the importance of altruism in politics and it is titled *What's in It for Me?* Although Dr. Plunkitt expects to earn ten million dollars from sales of his new book, he has agreed to continue to advise public figures through this column. Address all correspondence to The Bootblack Stand, c/o The Establishment, R.R. 11, Box 360, Bloomington, Indiana 47401, Continental U.S.A.

My Dear Mr. Plunkitt:

Vy iz it zet vemen adore me so? Is it because of my enormous intellect? Or my power in the verld? Or is it my beauty? My trim asletic figure, my natural grace, my "vith it" personality, my dexterity at the rumba, the cha cha, and the mombo?

Vut efer it is I sink I now understand vut bothers the vemens of vemens liburrashen? There is not enuf of me to go around.

Incidentally, is it proper to vear knickers vithout knicker boots?

Henry Kissinger

Dear Mr. Kissinger:

I shall tell you why women are attracted to you. It is the deepest attraction of all, far deeper than mere love and more searing than the pangs of lust. Women are attracted to you by the deepest feminine impulse of all — the impulse to pity. Nothing has been more pathetic than seeing you flying forlornly off to one foreign city or another. And then your pathetic appearances before the sharks of the Washington press corps are the kind of thing that must bring water to the eyes of the faces on Mount Rushmore. All your braggadocio about Machiavelli and aphrodisiacs of power do nothing to dispel the image. You Henry are a sad sack.

— GWP

Dear Mr. Plunkitt:

As you might know by now I have decided not to use my Senate subcommittee to investigate the Watergate Affair. I have declined the investigation for personal reasons. To begin with my youngest son is dating a bearded girl, and has refused to eat anything but prunes and jelly sandwiches until Mr. Nixon ends his war on crime. We have tried to establish dialogue with him but he refuses to come out of his nest. Furthermore, several weeks ago I found my wife at home allowing a famous Albanian painter to paint her in the nude. When I arrived on the scene he scurried about trying to pull on a terry cloth robe and he knocked my animal crackers all over the floor. Also Tom Wolfe is threatening to write a salacious novel about my Harvard years. What should I do?

Regards,
Edward Kennedy

Dear Senator Kennedy:

You are in a genuine pickle. For the kind of help you need I think you should write Martin Bormann. Send the letter care of Howard Hughes. Incidentally, my wife tells me that the last time you visited our house, you left your rubber duck in the tub. Where can we send it?

—GWP

Book Review

Fields for President

by W. C. Fields
Dodd, Mead, $5.95

As a serious enterprise, book reviewing in the United States survives in about the same condition as organized religion—though its structures abound throughout the Republic, its substance is but a vestige of yesteryear's glories. All sorts of indignities and perversions are piled on the old art. As a form it puffs and strains under the burden of innumerable idiotic innovations. It is brazenly usufructed by every species of scoundrel and charlatan. And naturally in our age of evangelizing enthusiasms, it has become the tool of the ideologue and the uplifter.

Serious journals which during the 1920s would never have opened their pages to the Babbits and the wowsers, are today lying spreadeagled before a host of faddish dandies. Serious books are banished to back pages or to outright oblivion for reasons that are pedantically ideological, venal, and ignorant. I take it as illustrative of my observations that the book presently under consideration received not a nod from the major reviewing establishments, though such stuff as *Women and Madness, A Bill of No Rights, The Coming of Age, St. George and the Godfather,* and *A Theory of Rights* have been treated handsomely.

Compared to all of these doodlings, Dr. Fields' work is a towering masterpiece, a political treatise of the first water, a capital achievement in social analysis, the grand tour of a great mind through the byways and past the arcades of this supermarket republic. What is more, *Fields for President,* unlike the books that set book reviewers to salivating these days, is logical and well-written—though the author's formal education waned around the fourth grade.

Nevertheless this tome has been segregated from those other works of comedy which pass for political analysis today, and its sales have suffered. Despite its prevenient analysis of American society, it is not considered relevant to contemporary American problems. Unlike works by Norman Mailer, Eldridge Cleaver, and other such buffoons, this book does not appear on any of the syllabi or bibliographies of those vulgarized college courses that are the rule rather than the exception during this booming age of higher education. *The New York Times Book Review* gave it the old heave-ho without even pausing to sprinkle it in the ritual of confetti and banality so often reserved for the senile effusions of Justice Douglas. Naturally *The New York Review of Books, The Nation,* and other such renowned forums of the book reviewing art passed it by. But their concerns are really religious rather than intellectual, and no one who matters takes them seriously anyway.

Now the *Times* is another matter. It should be the Nation's showcase of intellectual tastes. Perhaps it is. If this is so, it does not speak well for the Republic.

The message of *The New York Times Book Review* is chaos. In recent years it has taken on a kind of carnival atmosphere where geeks and fat women disport with contortionists of every ideological fashion. Serious books are handed to ideological cheerleaders from one trendy cause or another. Unserious books are given to reputable scholars. And when cranks are not molesting serious books, or serious scholars are not being misused for the purposes of rendering significance to high-toned persiflage, the pages of *The Review* are turned over to ignoramuses.

After reading *The New York Times Book Review* regularly, one gets a view of the American intellectual preserve that is a vision of ghastliness and chaos. When *The Review* is not morbid it is idiotic, and when it is neither of these it is dull. A typical issue will unveil reviews of books explicating the mysteries of anal intercourse, suicide amongst women, or mercy killing. Then there will be tony reviews of the year's best books on African dance or yogurt making or Japanese gardening. And interspersed amongst all these curiosities, the editor, a Mr. John Leonard, will publish a special kind of review which someone has convinced him marks the *creme de la creme* of intellectuality. It is a genre that he reserves for those individuals beheld by him to be personages of enduring worth, say Gore Vidal or Norman Mailer. It is a delusory essay delivered from a soap box, albeit a discreetly camouflaged soap box. Now not only are these reviews misleading, but they are written by writers who invariably harbor bizarre little prejudices which they relentlessly and disingenuously advance on unsuspecting readers in such a way as either to hook the poor sucker (by convincing him that he, in his obtuseness, has missed a point here and

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there) or to persuade him that the reviewer is insane.

So *The Review* is a carnival. But it is a strictly patrolled carnival. Certain acts are never allowed in the tent. Others are kept in the shadows.

Consider Irving Kristol's *On The Democratic Idea in America*. It has been out for eleven months, and it is considered essential reading by members of the Nixon Administration. It has yet to be reviewed. Milton Friedman's new collection of essays is not likely to be hospitably treated, if it is acknowledged at all. And one of the most important studies of urban problems to appear in years, Edward Banfield's *The Unheavenly City*, was ignored for months before it was finally turned over to a member of the tv intelligentsia.

Still one would have thought that Mr. Leonard would have found space for Dr. Fields. But no, he snubbed the great man's bequest to the world of letters and social science as though it bore a pox. Perhaps he never saw the book. Perhaps on the day the masterpiece arrived in his office he was exercising his arm down at a favored saloon. More probably he took one glance at its contents, locked his office doors, and furtively put it to the torch, confident that he had preserved the Nation's virtue. Of course, how could he ever leave it with one of his faddists? Garry Wills would not understand it. George Stade might find it convincing. So there was nothing else to do but to pretend that W. C. Fields had never published a scholarly study of the American system.

And so the carnival continues. The premier book review in America continues to boom the latest twaddle about homosexuality, the Women's fever, organic foods, the American War Machine, and more. A few stercorous novels, the product of a jejune society of dwarves, attract ooohs. And there are scattered essays on the life of the mind and other such exaggerations. With book reviewing like this, it is little wonder that nothing but canards and balderdash pour forth from political and social analysts, and no one would know if a sound novel had been published in the last ten years, because there is no reviewer around who is fit to read one. The only solution for *The Times* is to send Mr. Leonard off to some creative writing school in the Catskills and to hire someone capable of doing justice to modern American publishing. The most promising place to begin looking for such a fellow will probably be among the scriveners now sweating away over the obituary section. That would be the kind of innovation of which civilized men might approve.

R. Emmett Tyrrell, Jr.

Book Review

The Nick Adams Stories

by Ernest Hemingway
preface by Philip Young
Charles Scribner's Sons, $7.95

In this volume are assembled Ernest Hemingway's twenty-five short stories, sketches, and fragments in which Nick Adams appears. Hemingway buffs will recall Nick Adams as the fictional character whose background and experiences closely parallel those of Hemingway himself. Nick appears in several of Hemingway's finest short stories—which is to say, in several of the finest short stories ever written in English: "The Killers," "In Another Country," "Big Two-Hearted River," "The Battler." These masterpieces have been in print for decades. They have been widely praised and anthologized, and they need no review, here or elsewhere.

What *is* new about this book is the appearance in print of eight previously unpublished works of fiction. Because the author is Ernest Hemingway, this volume is by definition a significant literary event. The eight pieces are, however, an odd lot.

Two of the works were originally passages from other short stories. The fragment published here as "Three Shots" was originally the opening section of "Indian Camp," the story in which Nick as a boy watches, horrified, as his father delivers a baby by performing a Caesarian section with a jackknife. The "Three Shots" section, when read together with "Indian Camp," offers an interesting study of courage and fear which foreshadows "The Short Happy Life of Francis Macomber." The boy Nick is afraid of the night, and ashamed of his fear, and he achieves at least a partial understanding of himself and his fear. "On Writing" originally concluded "Big Two-Hearted River." The reader is not surprised to learn that Hemingway cut it from the story before publication; he is shocked to learn that Hemingway wrote it at all. Dismally inferior to the fishing story as we know it, "On Writing" is an interior monologue in which Nick ramblingly thinks of bullfighting, old friends, and literary acquaintances and reputations. It is all extremely self-conscious and artificial; it bears no relationship to the ritualistic fishing trip which structures the more familiar tale.

"Wedding Day" and "Crossing the Mississippi" appear to be brief, preliminary sketches which were never developed. With his groomsmen, Nick dresses for the marriage ceremony and later rows away across the lake with his bride; Nick crosses the great river on a train as the White Sox win the World Series. The former, especially, seems incomplete and unfinished.

"Night Before Landing" presents Nick on board ship approaching France during World War I. This fragment is the opening passage of a novel which Hemingway abandoned. "The Indians Moved Away" evokes a mood of sadness at the disappearance of the Indians from northern Michigan.

The most significant pieces in the book are "Summer People," a short story in which Nick goes swimming and later makes love to his girlfriend of that summer, and "The Last Good Country," a lengthy fragment which treats Nick's flight with his younger sister from two game wardens who plan to arrest Nick for game violations. Nick and his sister live in the woods, enjoying a psychologically incestuous relationship as Nick, himself, thoroughly alienated from his society, considers how he can survive as a runaway. The plot contains, for Hemingway, a number of surprisingly clumsy shifts.

The "new" Nick Adams material in this book is decidedly inferior to the "old"; once again one feels that Hemingway's editorial judgment was generally sound. But the reader who does not know the adventures of Nick Adams would do well to dip into this volume. The best of Nick Adams contains much of the best of Hemingway, and this volume is a good introduction to Hemingway's art. The reading public is indebted to Mary Hemingway and to Charles Scribner's Sons for making available the previously unpublished Nick Adams material.

But one final observation on *The Nick Adams Stories*: the dust jacket refers to "the underlying unity in the life of Nick Adams and the dramatic unfolding of this fictional character," and Philip Young speaks of the "meaningful narrative" of Nick Adams' life. Perhaps. But one should remember that there is no evidence that Hemingway himself thought

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of the Nick Adams stories as forming together a single work of literary art. To the contrary, he seems to have considered each Nick Adams work as a separate piece. The seventeen which appeared during Hemingway's lifetime appeared in three different volumes, scattered among some forty other short stories and sketches. The Nick Adams material was then gathered into two successive, omnibus volumes of short fiction. Hemingway himself could have assembled the Nick Adams material together in one volume—but he did not. He could have published the eight "new" pieces which appear in this volume—but he did not. He could have reworked the Nick Adams stories into a novel (as the Harry Morgan stories became *To Have and Have Not*)—but he did not.

It is, granted, a minor point, but it is worth emphasizing: this book—as a gathering of its separate parts—is a creation not of the author but of others.

Taylor Alderman

Book Review

The Superfluous Anarchist

by Michael Wreszin
Brown University Press, $8.50

Of Albert Jay Nock's ideas it may justly be said that the statement almost always survived the exaggeration, and that literary grace, which never failed either, occasionally outshone both.

If there was one thing that the Republic's most delightful critic of statism held in horror—and Nock cherished more prejudices than an eighteenth-century Tory—it was the overcautious phrase. "I could never read Carlyle," he wrote, "but I admire the man for his cussedness and his crusty readiness to say just what he thought about anybody and anything and to put forth his ideas good and hot." When Nock erred, it was on the side of hyperbole.

A taste for cussedness was part of what led Nock to the positions he defended during the later, and better-known, libertarian phase of his career. (That Nock, the scourge of both collectivists and authoritarian conservatives from the twenties to the early forties, was not born with a curse on his lips for the state and its works is one of the surprises awaiting the reader of Michael Wreszin's excellent intellectual biography.) But more important than temperament was Nock's unshakable conviction that he understood how the world got where it was, and that he knew where it was going next.

At the root of Nock's conviction lay the state. Other subjects, from biography to education, regularly lured him into print (his *Jefferson* and *The Theory of Education in the United States* still stand as minor classics), but it was the state that struck Nock as the key to history's puzzle. The world was riding for a fall, he warned, for the simple reason that men who could not even run their own households had taken it upon themselves to rule nations. Jefferson's ideal of government as decentralized, negative power had become an institution of near absolute positive power, dedicated chiefly to the task of robbing one class for the benefit of another. Mussolini's dictum, "Everything for the State; nothing outside the State; nothing against the State," had become world law, though sanitized for American consumption by slogans like "the New Deal." The state had usurped government.

The heritage of natural rights and individual freedom that every schoolboy knew protected America from tyranny, Nock dismissed as sheer fantasy. To explain the point, he set out a handful of laws accounting for the yawning divergence between theory and practice in American politics. The most basic law was that men tend to satisfy their material wants by exploitation (Nock called this the "political means") rather than productive work (the "economic means"). From this follows the durability of the welfare state in a nation supposedly peopled by lovers of liberty. Why compete when the state can impose a tariff? Why suffer lower wages when the state can decree unions inviolable?

As important to Nock was the conviction that most men are simply not human—not in any civilized sense. "There is a greater difference between Socrates, Marcus Aurelius, Sophocles, and the man of the crowd, than there is between the man of the crowd and the higher anthropoids," he wrote. The state, controlled by men of the crowd, simply institutionalized the dominance of the subhuman masses over the elite.

The law of diminishing returns taught Nock that mass education is a pipe dream. The twentieth-century decline in cultural taste he attributed in large measure to mass literacy, reasoning that in culture as in finance, the bad drives out the good. A host of derivative axioms and prejudices lace his writing—the inherent incompetence of the state, the wastefulness of newspaper reading, the hardiness of bureacracy, the soundness of Lloyd George's single-tax theories, and the insufferability of liberals.

These laws taken into account, Nock's prediction for the future was understandably glum: "closer centralization, a steadily growing bureaucracy; State power and faith in State power increasing; social power and faith in social power diminishing; the State absorbing a continually larger proportion of the national income...."

Michael Wreszin's *The Superfluous Anarchist* is an able and learned account of Nock's thought. Mr. Wreszin has described the intellectual influences that worked on Nock, from the classics to Lloyd George and Ralph Adams Cram, and the twisted path that led him away from progressive liberalism to a genteel anarchism. There is little of Nock's personal life; primarily, it seems, because Nock did such a thorough job in keeping his affairs private.

The undeniable usefulness of Mr. Wreszin's book is proof that Nock's stricture against biography—it is far better to read what someone wrote than to read what someone else wrote about him, he said—should be taken with a grain of salt. Thanks to the clarity of Nock's prose and thought, Mr. Wreszin was left with little to explain. But what is not self-evident, even given Nock's writing, is why he took certain positions, and how his thought fit into the mainstream of contemporary opinion. Nock's autobiography, *Memoirs of a Superfluous Man*, is often misleading on the first point, and frequently indifferent to the second. It is on the question of intellectual evolution that Mr. Wreszin's book is most interesting.

Worth the price of admission alone is the revelation that Nock was once a liberal. The discovery that H.L. Mencken died a practicing Baptist or that Burke once supported the French Revolution could be no more reassuring to those who occasionally stray from the true path. To anyone who believed in the healing power of the state, Nock, in his later years, offered no quarter. "For years I 'sweat with agony' at the sight of a Liberal," he confessed in his *Memoirs*, "as Commodore Trunnion did at the sight of an attorney." But Mr. Wreszin offers a different view. After pages of evidence documenting Nock's activities as a muckraking journalist, he has concluded that Nock, prior to World War I, wanted to be known only as a "good liberal who helped the cause along."

The Superfluous Anarchist, though successful in placing Nock within a tradition of political thought, stumbles in its treatment of AJN the economic thinker. Mr. Wreszin might have given more attention to Nock's conversion to laissez-faire, and to which thinkers helped lead him there. And a major tenet of Nock's economics—that money is a contrivance which often obscures the simple act of exchange between buyer and seller—is far sounder than Mr. Wreszin seems to have realized.

James Grant

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ROSENBLATT

(continued from page 4)

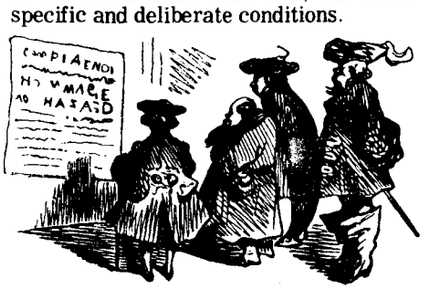
taste of things remain poised a long time; like souls, ready to remind us, waiting and hoping for their moment, amid the ruins of all the rest; and bear unfalteringly, in the tiny and almost impalpable drop of their essence, the vast structure of recollection." How, except for the degree of subtlety, is this formulation to be distinguished from nostalgia? How is the *ubi sunt* motif to be distinguished, or Wordsworth's poetic method? Nostalgia, too, is emotion recollected in tranquility, the affectionate and painful remembrance of things past.

There is a distinction, of course, and it hinges on the question of seriousness. "Only the past is immortal," said Delmore Schwartz. Thoreau had said things similar in his commentaries on death. There is, in the reclamation of the past, the claiming of a kind of eternity, the achievement of an afterworld in the shape of the world already gone. We find this sense in Joyce and Wordsworth, but nothing nearly so important in nostalgia. To ask where the snows of yesteryear are is a philosophic question. It does not suggest the desire to return to a particular time as much as it contemplates the whole question of the passage of time, and of one's passage through it. It is also attended by the kind of abstract sadness which nostalgia always reduces to vivid particulars. Instead of finding any coherent general statements in nostalgia, we get chowder parties down by the seashore every fourth of July.

But the difference between nostalgia and art is not simply the difference between the quality of reminiscence in high and low culture. There is a difference between bona fide nostalgia and the appreciation of things past in our popular art as well. The enormous and increasingly refined popularity of the Marx Brothers, for example, is often confused with a longing for the thirties, but the Marx Brothers thrive on their own crazy excellence which is separable from our feelings about the time when they performed. The same goes for Charlie Chaplin, Gershwin, and others. Scenes of Fred Astair steering Ginger Rogers around great marble ballrooms or Edward Everett Horton's puffy agitation over the decline of elegance are images which exist both in their own right and in the theatrical conception of an era; but most of the best entertainers or events of a period survive completely outside of their time slots, and our admiration of them is not at all nostalgic, in the meaning of wistful. In fact, it is the opposite of nostalgic, in the sense that it arises out of sustained critical comparisons.

There are, however, special moments in the work of performers of genius which do become nostalgia. These moments have to do both with the nature of the performances and with what we perceive to be the characters of the people involved, and you can tell when they occur by the extra warmth with which a modern audience greets them. In "Horse Feathers" Harpo is peacefully sharing a carrot with a horse. The next minute a cop gives him a ticket, and Harpo, in return and simultaneously, writes out a ticket for the cop. What we seem to find and celebrate in such a moment — as we do with Chaplin battling the Machine Age — is the kind of romantic, or anti-authoritarian expression which is very much at the center of nostalgia. Nostalgia is, in its heart of hearts, the desire for innocence, and our laughter with Chaplin or Harpo is a kind of innocent longing.

The type of innocence longed for in nostalgia is special, indeed is all-American down to its deepest roots. It is not merely the expression of Everyman's desire to return to childhood or blamelessness, nor conversely is every such expression nostalgic. Sylvia Plath wrote an early poem called the "Eye-Mote" in which she stated, "What I want back is what I was Before the bed, before the knife." She is not humming or sighing in this, but in desperate earnest. Don McLean's "American Pie" song is also in earnest which is why it is not nostalgic, despite its wealth of allusions to rock 'n roll. Earnestness and desperation are anathemas to nostalgia, and yet nostalgia does seek innocence. It too wants back what was, but under specific and deliberate conditions.



There was a wonderful movie made in the late thirties called "Sullivan's Travels." It starred Joel McRae as a famous Hollywood director whose fame had been built on turning out a number of successful, sophisticated comedies. But the director regarded these former successes as frivolous, and sought to make a movie about tramp life in America instead. In order to do it right, he ran away from his girl (Veronica Lake) and cohorts who had told him it couldn't be done, and disguised himself as a hobo. Then, after some conventional mishaps, including the standard temporary amnesia, he wound up in a Georgia chain gang. There he began to study his fellow prisoners, and by watching their uproarious joy one night at a cartoon show, he came to realize that these men wanted and needed laughter in their movies, not realism. Freed finally, and returned to Hollywood, he vowed to make comedies forever.

The point of the movie was not that cartoons or laughter will out, although some script writer might have thought that was the point; it was that the desire for innocence on the part of the hero was not sincere. The skeptics of the story were right from the start, and were proven right. Joel McRae's craving to participate in tramp life represented the wish to participate in a traditional American freedom dream, and simultaneously to observe and rearrange (direct) the dream. In other words, it was pure nostalgia, as we know and practice it. It was the wish to retrieve a condition of freedom and carelessness apart from any cognizance of responsibility, and at the same time to be able to delimit, or give order to that freedom solely in personal terms.

This is child's play, of course, which is exactly what nostalgia encourages. It is the sincere expression of what is at base an insincere desire. Yes, certainly, we want to relive those thrilling days of yesteryear, but only because we are absolutely assured that those days are out of reach. We believe in yesterday, as the song says, just as long as we can exercise control over the objects of faith. In short, nostalgia does for us what history cannot. It brings back the best, the golden oldies, but does not bring us back to the rest. The past contains a good deal more than golden oldies, and we would think that we were out of our minds if we wanted to relive it all.

Still, even if the nostalgic impulse is insincere, there must be something we seek to get out of it. Robert Nisbet has recently pointed out in his splendid article on the thirties for the *Key Reporter*, that nostalgia seems peculiarly to be the phenomenon of an affluent age. The suggestion is that only from the comfort and safety of an Eames chair does one wholeheartedly call out for the camaraderie of the soup lines. We know this is true, just as we also know that only from the comfort and safety of marriages and families, do we pine for that scarred gym floor, streamers dangling from both baskets, blue cellephane taped to the spotlights, and Flora in our arms.

It seems reasonable, then, that if nostalgia is a consequence of affluence, it may also be a product of the kind of progressivism attached to it. Our affluence is, after all, an emblem of our faith in progress, in an onward-and-upward mobility whose principal, and national, caveat has been "Don't look back." When, however, we have gone as on or as up as we can or care to, we do look back, partly because we are secure enough to know that we won't actually fall back by doing so, and partly because we may be feeling more than a little guilty about the ruthlessness and thrust of our forward motion. Nostalgia, so used, becomes a form of absolution, an ideal form because the pain it causes is merely charming.

These varieties of regeneration and absolution account more than any other element, I think, for the nostalgia boom, particularly for the fact that the boom is ours. As the cultural aftermath to the war in Southeast Asia will persistently demonstrate, the two qualities of conscience we seek most avidly as a nation are instant innocence and painless guilt. These are the gifts nostalgia bears, but they are not what they appear, not the occasional day dream which lightens our present burdens, and not the handsome hobbyhorse of our young imaginations. Inside, once again, are the armies of the nightmare. □

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Correspondence

To the Editor:

Roger Rosenblatt, take heart! Due to the good wishes of my father, who gave me a gift subscription so I could see how the other half writes, **The Alternative** now has FOUR flabby liberal readers.

Ken Nottingham
Anderson, Indiana

To the Editor:

I wish to thank you for Charles A. Moser's article on "Democratic Totalitarianism." Most all of what is transpiring in our society under the euphemism of "Civil Rights" has long cried out for someone with the courage to place it in perspective. Mr. Moser has succeeded.

Alexander Lockwood
Los Angeles, California

To the Editor:

The following is a position paper submitted by three organizations representing young Cuban activists and Americans of a moderate, and democratic socialist stand. Its purpose is to bring to light what the undersigned believe merits the concern of the American public: the arrest and subsequent hearing, on charges of illegal entry, of three Cuban youths who recently escaped to the United States.

On Thursday, December 7, three Cubans, aged 19, 20 and 25, arrived on American territory after having compelled two Cuban fishermen to give them passage. Having followed the same sea route travelled by 13,000 of their compatriots fleeing Castro's totalitarian system, these young men today find themselves under detention by American authorities. Their arrival coincided with the incipient phase of negotiations between the United States and the Cuban government regarding the treatment of hijackers.

Their detention marks the first time that Cuban refugees have been held for more than screening purposes and, in effect, imprisoned. At present, they are appealing an executive judgment of "illegal entry without proper documentation," with a possible maximum sentence of deportation requested by the prosecution.

Our opposition to the crime of hijacking is clear. A remedy must be found to stop the hijacking of interstate carriers of goods and persons. . .We (also) understand the difficulties faced by the government of the United States as it deals with a government which has not — over the years — complied with its international responsibilities...

Castro has demanded from the United States, as a precondition for negotiations, that citizens who are forced to flee his regime, and criminals who forcefully seek its protection be placed in the same light.

It must be recognized that Cubans who leave their homeland are escaping a totalitarian system where no legal means of departure are either offered or available. Some would say that the so-called Freedom Flights offer an alternative. This is ridiculous. The old must wait a minimum of 24 months under the most humiliating conditions, and the young, between the ages of 14 and 35, are completely forbidden to leave. Since all formal means of transportation are the property of the Cuban State and are under its strict supervision, it is easily understandable that a Cuban should find himself forced to seize property in order to gain freedom. It is absurd to consider these Cubans in the same category as Americans who can secure legal passage to Cuba, via Canada, Mexico, Spain, etc., if they so desire.

An accord which fails to recognize this distinction would stand in blatant contradiction to the fundamental principles which the United States has thus far upheld. The United States government, aware of a history which consecrates the principles of refuge for the oppressed, should not accept, even tacitly, conditions which do it violence...

It is gratifying, although paradoxical, that Castro's regime, noted for its violation of these basic human rights, should find itself attempting to foster international cooperation. It is clear from its actions over the past fourteen years that Fidel Castro seems interested only in the survival and propagation of his peculiar brand of Latin totalitarianism.

The actions of the United States government in the present case, magnified by its secretive approach to the whole question, requires, at the very least, some clarification. The Cuban people, both in this country and in their homeland, are tired of being unwilling pawns to great power machinations. Both the Cubans and concerned Americans are entitled to a firm statement of position from the Nixon Administration concerning this particular case and its implications. We hope that this position will go beyond mere pragmatic expediency, to a fair alternative which will scorn a sacrifice of the innocent.

Neil Albert Salonen, President
The Freedom Leadership Foundation

Paul J. Baicich, Chairman
Washington Chapter
Young People's Socialist League

Jose Antonio Font, for the President
Abdala Cuban Movement

Washington, D.C.

EDITORIAL
(continued from page 4)

their babies to the sword if they will but observe certain standards.

Yet has any of this propitiated the ladies of liberation? If so I have failed to perceive it. The intelligentsia of their world hiss from every pulpit. Bella Abzug, M.C., bellows through the halls of Congress like the water buffalo she resembles. Hardly had the abortion decision been handed down before the whole mob began shrieking for lesbian marriages, the need to treat pregnancy as a disease, and a spate of legal changes that would remake America into the largest madhouse in the world. It is only a matter of time before they demand that the federal government give them a state in the South. No one who has ever seen the charlatans of women's liberation in action can imagine them ever being satisfied or pleased with anything. They are perpetual grousers and busybodies. Their ancestors were the lemon sucking dames of the Women's Christian Temperance Union, and their contemporaries are those loud mouths of racial bigotry, the black militants.

Now the black militants live in a society that has goaded itself to bring appreciable justice and material improvement to blacks in an astonishingly short period. No nation on earth has done more for a minority living within its boundaries. In just over a decade America has moved from a nation wherein the black minority's income had practically stagnated far behind that of the white majority to a state where almost all blacks are improving their conditions faster than whites. Indeed some groups of blacks now actually have higher aggregate incomes than their white equivalents. (According to the U. S. Bureau of the Census no difference was apparent in 1970 between white and black husband-wife families outside the South where the family head was under 35 years old. For families where *both* husband and wife worked and where the family heads were under 35, black earnings were 104 percent of white. For those black families with heads under 25, their incomes were 113 percent of white.) Yet the militants grumble about all sorts of invisible and imaginatively concoted injustices. They are themselves accorded prodigious attention. Though many have no visible means of support aside from the charitable grants of large white foundations, and from various government swindles, they are all quite as removed from poverty as any other upwardly mobile entertainers. Their rage against America is comprehensive and inextinguishable. So great is their addiction for misery that they not only commit murder and mayhem, but in their reckless criminal acts they invariably bring harm and death to themselves. Not even the Ku Kluxers caused such intense misery, for at least the high-minded knights were not obsessed with destroying their communities, their nation, and themselves.

If ever you doubted my thesis that there are elements in America driven by a powerful afflatus to bring all of society to a state of egalitarian anguish, remember these unhappy racists.

In fact, consider both species of militant. Can you even imagine Bella Abzug ever cooing in contentment or aglow with happiness? Do you ever expect to see black militants helping little old ladies across the street? Any citizen who has given a moment's thought to the demands of the women and of the black militants realizes that their demands would tear a community apart. But the ladies' liberationists and the black militants are not the only advocates of misery at work today. Others are the ritualistic liberals and the romantic rightists. Each in his own way would bring us down. Each in his own way will work for the repeal of the Bill of Rights. Today the most promising tool of the missionaries of misery is the quota system. And at this moment they have the upper hand!

R. Emmett Tyrrell, Jr.

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HOWE

(continued from page 18)

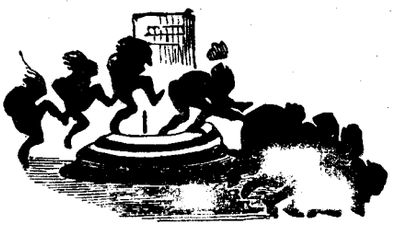
must be eliminated. Since almost any qualifying test that is given to different categories of the general population (categories based not only on sex or race, but on economic or educational backgrounds, or physical height or weight, or geographic location, or what have you) will yield results that are — to some degree — unequal, the very principle behind OCR's ruling has effectively jeopardized any means of judging merit. In practice, the department is guilty until proven innocent; a qualification is assumed to be prejudicial until proven valid and necessary. And proving the validity of a departmental requirement — to an OCR official who often knows nothing about scholarship or research in the field — can be a difficult task. When the chairman of the Graduate Department of Religious Studies at one Ivy League University tried to explain to OCR representatives that knowledge of Hebrew and Greek was a standard prerequisite for candidacy, he was told, with characteristic bluntness: "then end these old fashioned programs that require irrelevant languages!"

By means of a similar ploy, OCR has ruled that women or minority candidates must always be chosen over a man or non-minority candidate with "equal" qualifications. Again, this rests the onus of guilt and the burden of proof on the department if, in choosing between two candidates of proximate quality, it happens to choose the "wrong" way. Upon investigation, OCR must be substantively convinced that the non-minority candidate is indeed superior by a sizable margin.

Yet what must be considered OCR's most ingenious and extreme tactic to date, though now it is no longer used, was an interpretation of a Labor Department order which required "universities to reject male and non-minority applicants who might have better credentials than female and minority applicants so long as the latter have qualifications better than the least qualified person presently employed by a department." No order could have been better worded to ensure everlasting mediocrity. What it means is that the department — if it has just one professor far less competent than the rest — must hire only women or minority candidates until there is none available who is better qualified than that one, least common denominator. Since most departments have one or two such professors, often hired decades ago when the campus was small and money was short, academic senates protested furiously when this order was actually presented to ten universities. After Congressman Gerald Ford began publicly investigating the complaints, the order was rescinded — despite the reluctance of the OCR hierarchy.

OCR, of course, never wants it to appear that its policies are degrading "academic excellence" or violating the principles of merit or qualification. They simply want to distort and reorient these principles so that universities can legitimately accomplish the goals of affirmative action. If possible, they will leave the ideology of merit intact. But if worst comes to worst, OCR is fully prepared to pressure the university to adopt not only a final, ideal goal (e.g. "proportion-to-population" which is met by means of a "timetable"), but specific and immediately applicable methods for reaching it. Thus, responding to OCR pressure, Northwestern tersely declared late in 1971 that it will "replace all appointments to the faculty...at a rate of 25 percent women and racial minorities." The State University of New York at Albany recently announced "a policy of one-to-one hiring of minorities affecting all the administrative staff." Variations of this idea of immediate quotas are now being adopted by an increasing number of universities. Pottinger has tried to deny OCR's responsibility for the most extreme cases, but in an unusually equivocal manner: "while HEW does not endorse quotas, I feel that HEW has no responsibility to object if quotas are used by universities on their own initiative."

Inevitably, letters sent from universities to male, non-minority candidates



have come to include, as a matter of course, some rather awkward phraseology:

"Dear Mr. Pittman...This disapproval in no way reflects upon your professional preparation or specific background...The basis for disapproval was primarily that the position...requires certain qualifications regarding the overall profile of the institution..."

"Dear Mr. Larscham...I have examined your dossier. It is very impressive indeed, and I wish I could invite you to come for an interview. At present, however, the department is concentrating on the appointment of a woman..."

"Dear Mr.— ...all unfilled positions in the university must be filled by females or blacks. Since I have no information regarding your racial identification, it will only be possible to contact you for a position in the event you are black."

"Sinful Mortals"

Back in 1964, in the flurry of Senate debate over Title VII of the Civil Rights Act, Senator Smathers of Florida at one point argued that federal legislation was not the correct approach, that employers should be allowed to end discrimination on their own. Senator Humphrey, choosing his words carefully, responded: "how right the senator is ... *But the trouble is that these idealistic pleadings are not followed by some sinful mortals.* There are some who do not hire solely on the basis of ability. Doors are closed; positions are closed; unions are closed to people of color. That situation does not help America." Such language, of course, was typical of the civil rights' *esprit* of the early sixties. But Humphrey's version is of particular interest because it expresses what was and still is a vital animus within the civil rights movement: a desire to uplift man and to presume an "idealistic" insight into his prejudices. On behalf of a reasonable principle, this crusading, this blending of morality and politics, can be a boon for all of us. After all, we deserve to be chastized for "sinful" wrongdoings; we often cry out for a slogan or a law that will force our neighbors to behave in accord with widely accepted ideals. But on behalf of an unreasonable principle, the whole effort has tragic consequences. No matter how thickly they are cushioned by platitudes of goodwill, "idealistic pleadings," given the force of law, can turn into genuine repression — when no other consideration seems "idealistic" enough to refute them. And if, as Senator Humphrey suggests, we are really dealing with "sinful mortals," well, who is to say what methods are too extreme to alleviate their sorrowful condition?

The difference between the civil rights movement of the early sixties and the movement of today is not that one is any more or less a moral crusade than the other. The difference is simply this: the movement of yesteryear worked for the reasonable principle of "non-discrimination," while the vanguard of today's movement works for the unreasonable and now discriminatory principle of the "affirmative action" quota. The goal of the former is (or was) a compromise *between* morality and politics, a balance between the ideal of equality and the inherent inequality of society's demands, rewards, acquired responsibilities, and required capabilities. The goal of the latter is a self-defeating triumph of morality *over* politics, a triumph which tramples rudely over any competing ideal and can itself ensure only the most un-ideal, delusory, and superficial sort of equality, the numerical "equality of result." "Non-discrimination," the original purpose of the Civil Rights Act and once the slogan of a host of admirable legislators and civil rights groups, is a reasonable principle because its approach is flexible in practice; because it recognizes that "equal opportunity" as a concept only has meaning when applied to particular cases of employment; because it respects other legitimate, institutional principles — excellence, efficiency, profit, to name a few; and because it need not breach the autonomous standards of decentralized, independent professions. Affirmative action quotas, on the other hand, are by nature inflexible. They can only interpret "equal opportunity" in terms of numerical results which render the very idea of "opportunity" meaningless; they abridge, to the extent that they are enforced, any other governing principle of participation; and, if they are centrally administrated (which they must

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be if the quotas are not to contradict each other), they necessarily centralize professional standards.

It is a common tendency among reformers to judge progress toward an ideal by what they envision will be the most tangible results of such progress. This tendency, along with the disappointment, cynicism, and frustration it engenders, was the precursor of the affirmative action principle. Throughout the sixties, especially after the 1964 Civil Rights Act, it became obvious to many members of the civil rights movement that full minority participation in all areas of society could not be brought about as soon as they had hoped. Simple "non-discrimination" still did not mean that just as many minorities as non-minorities could legitimately participate in every institution. "Equal opportunity," now enforced by law, still did not guarantee "equal results" —which seem to have been, among some reformers, the envisioned ideal. The cultural barriers to instant participation were more insurmountable, more complicated, more intrinsically bound up with other, fundamental societal values than had once been imagined. Advocates of civil rights could see that the difficult but equitable progress of racial "neutrality" would reach complete fruition not in months or years, but perhaps in decades. Some grew wiser, trimmed their expectations, and accepted the inevitable inertia of cultural change. Others grew desperate, and transformed earlier civil rights' rhetoric into iron-clad principles that promised — above all else — *immediate* results.

Thus, "affirmative action" was born. Insofar as it contradicts any traditional or common-sense grounds for institutional participation, it is a mysterious principle. Indeed, to the uninitiated, it is esoteric. "Good faith" proof of adherence and of belief can only be within you, for, as Pottinger gently reminds us, "affirmative action...has a spirit as well as a letter." Insofar as it utterly rejects the values and procedures of society at large, it is an elitist and uncompromising principle. No piece of HEW literature, no advocate of affirmative action can refrain from emphasizing how this law will set an example for the less enlightened, or how it is an improvement on mere deliberation and older (i.e. racist) standards, because this law demands "action." Again, Pottinger says it best: "Clearly, when the issue comes close to home, the academic community's response should not be to refuse to participate, or even to ask whether it should participate. The response must be to seize the opportunity to translate advocacy into results with a vigor and commitment that will lead the community at large."

For American universities, OCR's affirmative action program is an overt attempt to reshape the internal standards of excellence that have sustained and nourished the academic community for nearly a thousand years. It is a hasty, fervent, thoughtless attempt, brimming with tragic consequences. "Academic excellence," in spite of OCR's protestations, means exactly what it says: "excellence" as it is interpreted by the "academic" institution. To the extent that OCR is effective — for better or for worse — this ideal will necessarily lose its age-old authority. What is taking its place? Among the less radical advocates of affirmative action, who are convinced that subjective, "clubhouse," "old boy" recruitment policies are responsible for departmental discrimination, the answer appears to be less personal, and more uniform, strictly credential-based evaluation procedures. The advantages of this change, that such standards are free from individual bias and easily weighted, if need be, in a minority's favor, seem to outweigh the disadvantages: that such standards inevitably vitiate the very highest levels and less quantifiable modes of achievement. Among the more radical advocates, nothing really need replace "academic excellence." An increasingly popular justification of affirmative action, popular among those who tend to regard all standards — academic or otherwise — as culturally relative, favors "proportion-to-population" quotas for no better reason than that they are at least as fair as any other method. When in doubt — so run the empty-headed strains of this line of reasoning — be democratic! To be sure, the long term effects of affirmative action in the university are intimately tied up with other current attempts to reform the philosophy and practice of education.

For the civil rights movement, affirmative action is a more conspicuous failure. "Separate but equal," the discriminatory standard of the Jim Crow era, has at last found its cultural descendent in the "equal and opposite" discrimination of HEW. Due largely to the principle of affirmative action, the arguments of ten and fifteen years ago that participation should be alloted on the basis of merit alone without regard to race, creed, or color, now are derelict and abandoned; "objectivity" and "neutrality" in employment are considered naive; and the old bogeys — double or triple standards, quotas, racial inventories, etc. — are gaining a new respectability. It is an ominous reversal of an ideology. Even if we accept the notion that it is government's responsibility to readjust institutional standards so that social justice may be meted out to citizens on the basis of race or sex, how are we to determine the ideal readjustment? How does one go about passing judgement not on an individual, but on a group, or distributing rewards not according to voluntary behavior, but according to some determinist rule of tribal worth. If, as many OCR supporters would claim (though officially, HEW disavows such support), *over*-compensatory quotas are necessary to make up for "past injustices" to minorities, then what racial or ethnic vengeance cannot be made legitimate under the mandate of affirmative action — say, on the scale of German domestic policy in the 1930s? This is not idle speculation. There are already indications that the principle of affirmative action in the last five or ten years has helped to increase competitive animosity between different races, sexes, and ethnic groups, and has helped politicize and institutionalize the bounderies between such groups. The venerable goals of the civil rights movement, from the grand old myth of the "melting pot" to the modern-day dream of "integration," are hardly what affirmative action is all about. □

In The Next

Two Issues. . .

Robert Ferrell

James Grant

Charles Hyneman

Robert Maddox

Dexter Perkins

on Harry Truman

and the Cold War

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"Whom the gods destroy they first make mad"– Euripides

Current Wisdom

THE SAINTED MARK ESSEX

Pity the unfortunate black murderer of eight white citizens in New Orleans. He was the victim of an historic conspiracy—so runs the dizzy casuistry of the incomparable Nation—keeper of white America's black conscience:

If a conspiracy was involved it was the historic conspiracy of the white majority to profess adherence to certain stated ideals but to deny them in practice. In that sense, Essex's victims and his executioners were probably part of the conspiracy.

—The Nation

FOOLS HAVE THEIR DAY

The Nation **proudly proclaims its faith in an oracular windbag and is hoodwinked once again:**

...a man whose heart and mind seem utterly oblivious to age is Cyrus Eaton. He was 89 last December 27, and he invited the press to mark the occasion with him...He strode into the room for his interview with the Cleveland *Plain Dealer*, carrying a newspaper that was black with the headlines of B-52 raids. "Madness" was the word he used as he pointed to the page, and he added: "I do not believe that the Soviet Union and the People's Republic of China will permit this to continue." ...He enjoys a rapport with the Russians and the Chinese that is not even approached by the likes of Dr. Kissinger and Mr. Nixon, and when he offers an opinion as to what those countries will or will not tolerate, only fools will ignore his words.

—The Nation

"LES SECRETS AMERICAINS"

A leading journal of French thought reports on American medical science to its readers, many of whom still overcome their maladies with a yearly bleeding:

These are the synthesis of observations made by a group of American doctors on those of their patients who have attained a very exceptional longevity:

1. Sleep a lot.
2. Get some exercise.
3. Eat slowly.
4. Eat a lot of proteins (meat, fish, dairy products).
5. Drink a lot of water.
6. Go to the bathroom each morning.
7. Drink and smoke little.
8. Follow a profession that you like.
9. Take a lot of vacations.
10. Interest yourself in an art.
11. Have a circle of friends.
12. Be truthful and honest.
13. Accept your responsibilities.
14. Save money.
15. Believe in something.

—Paris Match

SNAKE OIL

Scientific treatise on sale in the classified section of The Nation—a journal at the vanguard of the consumerism struggle:

Relief from loneliness seems to be the greatest benefit of a marriage.

This explains the desire for monogamy. Many people wish their spouse to stay aloof from other entanglements, in order to be available when the mate happens to be lonely.

Wise girls know how to make themselves attractive to the lonely.

And curing loneliness is at least the second best way to a man's heart.

The overwise girl knows how to snub slight a man, to make him lonely, so she can exploit her ability to cure his loneliness.

For NERO the Emperor, 63 pages of drama, send $1.00 to:

D. Koretz, P.O. Box 167, Portland, Ore. 97207

—The Nation

SAPIENTIA

Edward M. Keating, former Ramparts publisher, has written a treatise on the "Nature of man," wherein age-old mysteries are suddenly clarified:

When man's arboreal ancestors lived in accord with their instincts in the trees, they ate berries and fruit and let the remnants and excretions drop to the ground. Therein, Mr. Keating said, is the explanation of "why man can't stop pollution. He has no instinct against soiling the nest. For two million years he has been trying unsuccessfully to develop the habit of tidiness."

—The New York Post

SLAPSTICK

Garry Wills makes another balmy point in his prodigiously cogent syndicated column:

The ultimate proof that Nixon had no coattails this election year is the failure of "Life." The magazine had endorsed him, despite a belated effort to make him dump Agnew. It went out as it had come in, celebrating a narrow Americanism.

—Bloomington Courier-Tribune

ORACULAR PRONUNCIAMENTOES

Barry Commoner, earth lover, delineates the kind of complicated and little-known truth that invariably stuns his cosmopolitan audiences:

There's nothing wrong with the public being let in on scientific squabbles. That's how the public becomes informed so that they can make a judgement. We get at the truth by making our mistakes in public.

—The Washington Post

THE MODERN AMERICAN PEDANT

Dr. Gabriel Kolko, historian and fabulist, serves up a little of the ethnic cuisine so admired by the academics of the New Age. It is called piping hot bash:

Washington's self-serving effort to tidy up 25 years of failure in regard to Russia and China has no equivalent in the Third World nor even with the other capitalist nations. Beneath the Administration's current veneer of self-confidence remains the unavoidable reality that the United States' existing and new conflicts with an increasingly pluralistic world promise only more years of crisis and violence.

—The New York Times

MODERN PYROBIBLIO

Another chilling example of repression and anti-intellectualism in the land once celebrated as a nation of laws:

The Inner City Mother Goose, a book found in Buffalo, N.Y. school libraries is being investigated by a grand jury. Judge William G. Heffron said the book, purchased with U.S. Model Cities funds intended to improve inner city life, has more crime than rhyme. One example: "Jack be nimble, Jack be quick, snap the blade and give it a flick. Grab the purse—it's easily done. Then just for kicks, just for fun, plunge the knife and cut and run."

—The Wall Street Journal

FIFTY MEGATON BEACHBALLS?

Ever vigilant sons of freedom, The Progressive **discusses some of its favorite instruments of war:**

We are for more and better Frisbee projects at the Pentagon. Perhaps the Air Force could pick up where the Navy left off, while the Army explores the possibilities of yo-yos, pogo sticks, and hula hoops.

—The Progressive

PROGRESS

The prodigious march of science as reported to the citizens of the world:

Dr. Linda Bartoshuk, a Yale University psychologist, has scientifically confirmed what many laymen have observed: that some beverages taste sweet after one has eaten artichokes.

—The New York Times

AMERICAN LETTERS

An odd fish spotted swimming in circles in Dr. Clayton Fritshey's syndicated column:

Americans instinctively realize that if the United Nations were shut down even for a few weeks there would be international anarchy.

—Los Angeles Times

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show promising to give his fortune to the poor, blew his brains out.

● Nevertheless some progress was recorded. The enlightened Supreme Court decided that the first three months of a fetus' residency in a woman's womb could be considered an invasion of privacy. Senator John C. Stennis was shot and robbed as he entered his Washington home. And Senator Hartke continues his valiant struggle on behalf of the oppressed people of the United States Senate against the FAA, which insists that the great solon submit to airport frisks as though he were a commoner. A euthanasia bill was introduced into the Oregon State Senate.

●The law and order mania continues to sweep the nation. Police broke up a basketball game among passengers on the 5:30 p.m. Poughkeepsie Express. Both Governors Meskill of Connecticut and Rockefeller of New York are invoking a form of Hammurabi's code against drug entrepreneurs. And in New York Mr. Karl Rayford, a twenty-one-year-old blind man, was arrested and charged with attempted rape. In Sacramento, California the mugging problem is so serious that a twenty-five-year-old mugger, who had only moments before mugged Mr. and Mrs. John H. Young of Fairbanks, Alaska, was himself mugged and left in a puddle of blood.

●Beer bottles have been banned from Greenland. Venetian bird lovers are protesting the netting of pigeons who are being taken into custody for relieving themselves on the priceless monuments in that city. An elephant was born in the Portland Zoo, and in New York there are fresh indications of ecological disturbance. The incidence of reported rat bites has dropped 17 percent. From Katmandu, Nepal comes the chagrined report from zoologist Jeffrey McNeely that while pursuing the "abominable snowman" he was himself stalked by that retiring creature.

●Ill fortune befell Mrs. Bernadine Zorch, of Buffalo, New York. Mrs. Zorch, who weighs 876 pounds, drowned in her own fat. While trying to bathe herself in a special tub, her body shifted and her head became helplessly immersed in her flesh.

●The Swiss Institute for Experimental Cancer Research claims that smoking marijuana may be as apt to cause cancer as smoking tobacco. Dr. Timothy Leary was shipped back to the United States. A former drug addict, whom doctors say once attempted suicide by gluttony, was released from Baton Rouge General Hospital after treatment for gastritis. Now crusading against drugs, Mr. Mike Walker says that he is down to 920 pounds — a loss of 267 pounds since he began his 1500-calorie-a-day diet. A twenty-one-year-old thrill seeker in Carsonville, Michigan, who was pretending to smoke a half-stick of dynamite like a cigar, decapitated himself and destroyed his light show. Forty-three persons attending a social function in Scarsdale become high when someone put drugs in a wedding cake and in Houston, Karl (the Great) Wallenda set a new high-wire record.

●The professional football season finally ended. And on the afternoon of January 8 network television presented an unanticipated spectacular when it preempted Monday daytime programming as well as commercials to bring concerned housewives a live telecast of the exciting culmination of the New Orleans shoot out between young Mark Essex, civil rights activist and assassin of eight, and a special team of New Orleans law enforcement agents. Later in the month Lyndon Johnson passed away as did Edgar G. Robinson, Bushrod W. Taylor, Jr., and Eleanor Hankins Fort, the composer of "I didn't know the Gun Was Loaded" and "Put Your Shoes on Lucy." At the end of the month Mr. Nixon gave the press its first audience since October 6th. The Watergate Seven seem headed for the calaboose, and Congress is unhappy. On January 27 Defense Secretary Melvin Laird announced the ending of the draft. But a chill ran through the foreign ministries of the world on January 29 when the progressive President of Uganda, General Idi Amin, placed that country's armed forces on the alert. □

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